



CORNELL  
UNIVERSITY  
LIBRARY



BOUGHT WITH THE INCOME  
OF THE SAGE ENDOWMENT  
FUND GIVEN IN 1891 BY  
HENRY WILLIAMS SAGE

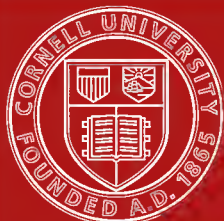
Cornell University Library  
**DA 890.D79E23**

**Introduction to the history of Dumfries**



**3 1924 028 091 233**

010



Cornell University  
Library

The original of this book is in  
the Cornell University Library.

There are no known copyright restrictions in  
the United States on the use of the text.

<http://www.archive.org/details/cu31924028091233>



# A HISTORY OF DUMFRIES.

*Only 350 Copies of this work  
have been printed, of which  
this is No. 98.....*





THE RECORDS OF THE WESTERN MARCHES.

*Published under the auspices of the Dumfriesshire and  
Galloway Natural History and Antiquarian Society.*

---

VOLUME I.

---

AN INTRODUCTION  
TO THE  
HISTORY OF DUMFRIES.

BY

ROBERT EDGAR.

*NOW PUBLISHED FOR THE FIRST TIME.*

EDITED WITH AN INTRODUCTION AND EXTENSIVE ANNOTATIONS  
BY

R. C. REID.

---

1915:

J. MAXWELL & SONS, DUMFRIES.

E.M.

## NOTE.

This volume was in the printer's hands in August, 1914, publication the following month being intended. Acting on the best advice at the time, the Editor decided to suspend publication at the outbreak of war. It is now obvious that no good purpose can be served by withholding publication any longer. During the interval no alterations have been made to the volume—the type having been dispersed—excepting the Pedigree charts. These have been considerably added to, including the new chart of Rig of Dumfries. The Cunynghame chart also has been completely recast. Mr. Shirley's work on the topography of Dumfries, which the Editor had hoped to include as Introduction to this volume, was completed a year after these pages were in print, and has appeared as a most valuable contribution to the D. and G.N.H. and A. Society's Transactions, 1914-15. The Editor regrets that by some most unfortunate oversight, the type was dispersed before all the proofs had received final revision, thus necessitating the distressingly long list of errata that follows.—*March, 1916.*

On page ii, line 6, after *to* read *Mr.*  
 " " 43 " 3, for *thre* read *three*.  
 " " 51 " 21, for *heir* read *their*.  
 " " 97 " 24, for *1752* read *1732*.  
 " " 99 " 25, for *reddress* read *redress*.  
 " " 100 " 2, for *Frith* read *Firth*.  
 " " 100 " 11, for *Frith* read *Firth*.  
 " " 101 " 13, after *1584* read *as*.  
 " " 101 " 23, for *Lages* read *Leges*.  
 " " 103 " 18, for *agin* read *again*.  
 " " 104 " 31, for *is* read *are*.  
 " " 105 " 24, for *jen* read *feu*.  
 " " 113 " 18, for *Tockett's* read *Tocketts*.  
 " " 113 " 19 for *was* read *were*.  
 " " 114 " 10, for *barates* read *bovates*.  
 " " 122 " 35, for *1513-49* read *1513-46*.  
 " " 123 " 9, for *MaKge* read *Makge*.  
 " " 123 " 9, for *1513-49* read *1513-46*.  
 " " 131 " 2, after *this* read *family*.  
 " " 135, note 3, for *Lochmeben* read *Lochmaben*.  
 " " 143, line 30, for *R.C.P.* read *R.P.C.*  
 " " 144 " 14, for *as* read *an*.  
 " " 146 " 30, for *M.S.* read *MSS.*  
 " " 146 " 33, for *M.S.* read *MSS.*  
 " " 146 " 36, for *Trailfleet* read *Trailflat*.  
 " " 152 " 18, for *M.S.* read *MSS.*  
 " " 152 " 25, for *import* read *impost*.  
 " " 153 " 33, for *hours* read *bowis*.  
 " " 156 " 35, for *assistace* read *assistance*.

On page 157, line 28, for *since* read *before*.  
 " " 160 " 8, for *Stewart* read *Steward*.  
 " " 161 " 5, for *Queensbery* read *Queensberry*.  
 " " 163 " 11, for *Stewart* read *Steward*.  
 " " 168 " 12, for *Culcottes* read *Oulcottes*.  
 " " 175 " 7, for *Fen* read *Feu*.  
 " " 179 " 28, for *apothecary* read *apothecary*.  
 " " 183 " 30, for *R. & M.S.* read *R.M.S.*  
 " " 188 " 11, for *of* read *or*.  
 " " 195 " 17, for *Thomas, a Carsan* read *Thomas a Carsan*.  
 " " 202 " 3, for *he* read *David*.  
 " " 206 " 15, for *west* read *east*.  
 " " 209 " 29, for *MSSS.* read *MSS.*  
 " " 211 " 3, for *argubusiers* read *arquebusiers*.  
 " " 214 " 25, for *in* read *on*.  
 " " 219 " 25, for *Leggarswde* read *Leggardeswde*.  
 " " 221 " 33, for *Eet* read *Et*.  
 " " 222 " 11, for *contigentem* read *contingentem*.  
 " " 223 " 13, for *facta* read *facta*.  
 " " 223 " 17, for *duri* read *duros*.  
 " " 224 " 29, for *ipsuis* read *ipsius*.  
 " " 227 " 26, for *Dne* read *Done*.  
 " " 246 " 30, for *thee* read *the*.  
 " " 246 " 32, for *regeristered* read *registered*.  
 " " 246 " 32, omit *Burgh Court of*.  
 " " 275, note 2, after *proverb* read *full stop*.  
 " " 277, line 21, for *thee* read *these*.



## PREFACE.

In printing Edgar's text, as few liberties as possible have been taken with it. The wholesale use of capital letters in the Glenriddell MS. has been severely repressed, and the punctuation much extended. In one or two cases sentences have been broken up. Such few words or dates that have been added will be found in square brackets. At least one passage is so defiantly obscure that it is printed as it stands. Only what are obviously copyist's errors have been corrected, the text otherwise being printed with all its peculiarities of style and spelling.

In the production of the volume, there has been some divergence from the proposals embodied in the prospectus. Subscribers were there offered a volume of about 250 pages on Drury Rag Paper. The bulk of the volume has been materially increased, and includes numerous pedigree charts, which were not contemplated originally, and which have greatly added to the cost. The expense of Drury Rag paper was thus not justified, and a cheaper paper of good quality has had to be substituted. Likewise, the size of the volume has been cut down from a foolscap quarto, in order that it may conform to the new series of the D. & G. N. H. and A. Society's Transactions.

The delay in going to Press has been caused by the whole work of editing falling on one person. It is much to be regretted that Mr. Shirley has not been able to find time to collaborate in the editing of this volume, owing to pressure of work and the harrassing nature of his secretarial duties. He has, however, looked over most of the notes, and made numerous suggestions and additions. The pedigree charts of the Corsanes and the McBairs were originally drafted by him. With regard to these charts, no finality is claimed for them; they are inserted to encourage others to complete the work here begun.

It was intended, as an act of filial duty, to include the MS. notes of the late John J. Reid, on the Corsanes of Dumfries. Though

the limitations of space preclude their insertion here, it is hoped that they will appear elsewhere, elaborated and brought up-to-date.

The thanks of the Editor are due to many kind friends for help and encouragement, without which this volume would never have appeared—especially to Sir James Balfour Paul for revising all the genealogical matter; to George Neilson, LL.D., for correcting several of the notes, and providing the material for others; to Mr. Francis Grant, W.S., of the Lyon Office, for information on genealogical obscurities; to the Rev. James Wilson, of Dalston, for a transcript from the Lancercoast Register; to Mr. William Farrer, of Hall Garth, Carnforth, for placing at the editor's disposal all his notes on the early Setons in Yorkshire; to the Earl of Mansfield for giving the editor access to the Cockpule Papers at Scone Palace; to Viscount Chilston for similar permission; to the Town Clerk of Dumfries for permission to transcribe several documents; and to the Rev. W. Mitchell Carruthers for the loan of several documents from the Holmain's charter chest. But, above all, to Mr. Robert Gladstone (Junior) has the Editor to express his indebtedness, not only for the note on the Gledstanis family, and numerous other notes, but also for the care, accuracy of details, and relentless research, which he has shown in his revision of the Introduction and the greater part of this volume.

With regard to the future of the "Records of the Western Marches," it is proposed to issue presently a prospectus for the second volume. With this end in view, a Calendar of the charter chest of an old Dumfriesshire family (1390—1660) has been prepared, and there has been found a learned editor who is already at work on the Introduction.

CLEUGHBRAE, DUMFRIESSHIRE,

*April, 1914.*

## LIST OF ABBREVIATIONS.

A.B. = Annandale Book.

A.D.C. = Acts of the Lords of Council.

A.L.A. = Act of the Lords Auditors.

A.P.C. = Annandale Peerage Case.

Bk. Carl. = Book of Caerlaverock.

D.P. = Drumlanrig Papers (Hist. MSS. Com. xvth Report, App. Pt. viii.).

Ex. R. = Exchequer Rolls.

Liv. = Livingstone's MS. Calendar of Charters at the Register House.

L.H.T. = Lord High Treasurer's Accounts.

M.I. = Fraser's Maxwell Inventory.

P.L. = Calendar of Papal Letters.

P.P. = Calendar of Papal Petitions.

R.I. = Robertson's Index.

R.M.S. = Registrum Magni Sigilli.

R.P. = Raehills Papers (Hist. MSS. Com. xvth Report, App. Pt. ix.).

R.S.S. = Registrum Secreti Sigilli.

R.T. = Roman Transcripts at the Record Office.

S.A.P. = Scots Acts of Parliament.

T.C.M. = Town Council Minute Books.



## INTRODUCTION.

### I.

Robert Edgar, the author of this fragment on the history of Dumfries, was the eldest son of John Edgar, deacon of the Squarmen, who died in March, 1684. John Edgar\* was a wheelwright residing at Lincluden College. On 19 June, 1665, he and William Edgar, wrights, were summoned by the Town Council "to make themselves burgesses," they, evidently, having begun to "use merchandise." Accordingly, on the 26th, both were admitted burgesses, William paying the smaller fee of 5 merks, because he was married "to the dochter of Thomas McBair, lait baillie," and consequently a burgess' son-in-law. John Edgar became a man of some position and responsibility. From September 1674-1681 he was Deacon of the Incorporation of Wrights. By his wife, Rosina Lindsay, who survived him, John Edgar had several other children, of whom Joseph, William (bapt. 22 Aug., 1676), Mary, and Margaret (bapt. 21 March, 1673) are mentioned in his testament. Another daughter, Agnes (bapt. 22 Jan., 1675) probably died young. John Edgar's testament was dated 29 Jan., 1682, and in it his eldest son Robert is named as his only heir. Born circa 1669, Robert Edgar was bred to the law, becoming a writer. He must have soon occupied a good position in his profession, for on 4 Dec., 1701, on the resignation of William Makjore of Inglistoun, he was appointed clerk to the Incorporated Trades, an office which he held for the long period of 45 years. He resigned on 15 March, 1746, being succeeded by William Edgar, writer, on 6th April (Min. Bk. of Incor. Trades in possession of W. Primrose, Esq.). He also acted as Clerk to each of the other Trades, of which there is record; to the Wrights (1725-46), Tailors (1732-46), Weavers (1701-46), Glovers and Dyers (1702-45), and Fleshers (1702-46). Of the other two Trades—Shoemakers and Hammermen—records of the period required do not seem to have been preserved.

\* Another John Edgar was bailie of the Barony of Lincluden in 1724. (Reg. of Sas. 2 March).

Not till 4 Nov., 1730, was Robert Edgar infeft in some of his father's property—in a ruinous house and tenement in the Townhead, bounded by the house of Gilbert Crocket on the east, a yard belonging to . . . Gledstanis on the south, and the High Street on the north. On the same day, he was infeft in property on the North of the Castle, and the East of the New Kirk, to which Robert Milligan in Merkland, son and heir of the late Andrew Milligan in Lochrutton, resigned all right and interest (Reg. Sas. of date). His mother was alive as late as 1737, as appears from the Valuation Roll of the Burgh—"Robert Edgar his tenement possest by his mother, and the house on the other side of the street, £88 [scots]." He was admitted a burgess on 8 March, 1703, and he married, prior to 1706, Marion, daughter of Alexander Johnstone of Elshieshields, by his first wife Marion, daughter of John Grierson of Capenoch. Edgar's wife and her sister Margaret (wife of Walter Laing, factor to the Duke of Buccleuch) are mentioned as living, in a legal document dated 14 May, 1706 (Barjarg MSS.).

Robert Edgar had at least four children, Theodore, Marion, Margaret, and Henrietta. To Henrietta her brother Theodore was served heir on 18 March, 1769 (Burgh Ct. Records). Theodore, through his mother, inherited the estate of Elshieshields, dying on 5 Feb., 1784, aged 68. His widow, Esther Pearson, died in 1792, and left a sum of £100 for the benefit of poor widows in Dumfries. This legacy was greatly increased by the will of her last surviving trustee, Thomas Goldie of Craigmue, resulting in the establishment of the "Fund of Mrs. Edgar of Elshieshields," for the benefit of poor widows in Dumfries and Troqueer (McDiarmid's "Established Churches of Dumfries."). He died on 4 July, 1759, "aged almost four score and ten years," and was buried near the Elshieshields pillar in St. Michael's churchyard.

Edgar's original manuscript cannot be found, the text here printed being taken from the copy made in 1791 for Robert Riddell, now in the Glenriddell MSS. It is quite evident that Edgar contemplated a far larger and fuller history than this brief introduction. In his Foreword to the reader, he proposes to give a full and detailed history of the Crafts incorporated in the Burgh. It is to be regretted that his intention was never fulfilled. Owing to the position he occupied, no one could have been better qualified for the work, the value of which at the present day would be inestimable.



His "Introduction" must, from internal evidence, have been written circa 1746 (D. & G. N. H. & A. Soc., 1911-2, 233), prior to June of that year (see note 16). It may, perhaps, be surmised that on resigning the clerkship of the Incorporated Trades in March, he at once commenced to write his History in his leisured retirement, but that something occurred between May and June of that year which caused him to stop work on it, and never to take up his pen to complete it. His health may well have failed him. The condition of the text supports this theory. It has obviously not been corrected. Its grammar is at times faulty, whilst its errors and occasional lack of punctuation render some passages difficult to understand. Its ill-arrangement, its repetitions, its garrulity, its inclusion of unnecessary matter and its undoubted bias all tend to the same conclusion.

On two subjects this bias seems particularly marked—his persistent suspicion of every action of the Burgh Magistrates, and his unwarranted aspersions against the Town Clerks in their custody of the Town's papers. His attitude in both these respects seems characteristic of the man. No doubt, early in the 18th century, there was a good deal of jobbery, nepotism, personal aggrandisement and the like in the Town Council, but these traits cannot be said to be extinct even in the highest circles at the present day. Man will ever be human. It was the system that was wrong in Edgar's days, more than the individual. His attacks on the Town Clerks seem to be even more groundless. A lawyer himself, one is reminded of the pot and the kettle, when he charges fellow lawyers with extorting high fees. There is no evidence to show that any Town Clerk ever wilfully destroyed important documents from the Town's charter chest. The passage of time, natural decay and accidental loss or destruction have created many serious gaps in these records, but proof is yet wanting that a Town Clerk was false to his trust. Occasionally one hears of missing writs—thus, on 13 March, 1809, a grant of the privilege of weighing pork could not be found (T.C.M. of date). Whenever writs were taken from the charter chest, there was a formal entry of their return in the Minute Books. In 1761 the Town Clerk and the ex-Town Clerk were directed to lodge in the Town's Office all the Town's writs which they had in their private possession (T.C.M. 3 July). Once the key of the chest was lost, whereon the chest was officially broken open and the papers transferred to a new chest, "in the closet where some of the Town papers are." The new chest was sealed up, and the Provost kept the key (T.C.M. 9 April,

1733). The same year the Council directed that an inventory of everything in the charter chest be prepared and placed in the chest, and a copy made for the Clerk (T.C.M. 15 Feb. 1733). This pious resolution seems to have been disregarded till 1772, when the Council appointed a committee to collect and inventar all the Town's titles, "they being greatly dispersed and in great confusion" (T.C.M. 21 Dec.).<sup>1</sup> Not till 1785 was anything done, when a committee at last produced an inventar (T.C.M. 21 Feb.), compiled by the Town Clerk, Archibald Malcolm, who was given five guineas for his trouble (T.C.M. 12 Feb., 1786). This inventar was incorporated in the Minutes, but only included a few of the more important documents. It contains 113 items, whereas nearly 20 sacks full of Town's papers were rescued from the fire at the Town Hall in November, 1908. In 1790 the Council agreed to purchase a cast metal vault, to be fixed into the wall of the Council Room and to keep the papers therein (T.C.M. 18 Jan.). Care, too, was taken in selecting a suitable repository. In 1714 a committee recommended that the Town Clerk's Office be moved to the northmost laigh chambers of the Mealmercat, because of the dampness of the existing office whereby the papers and records might be spoiled (T.C.M. 21 Dec.)<sup>2</sup>

On the whole, the evidence shows that the Town Clerks exercised all the care that could be expected at that period, of the records within their charge, and that all they can be accused of was dilatoriness.<sup>3</sup>

## II.

Edgar was not the first author who contributed to the history of the Burgh. At the end of the 17th century Dr. George

1. A similar committee had been appointed for this purpose in 1737, but nothing was done (T.C.M. 29 Aug.), and again in 1775 and 1783 (T.C.M. 9 Oct. 1775 and 24 Nov. 1783).

2. Occasionally writs turned up in unexpected places. In 1769 Provost Maxwell found 15 important writs relating to the Town Mills and Friarlands circa 1591, amongst the papers of the late Alexander Goldie, writer, in Edinburgh (T.C.M. 16 Jan.) And in 1838 the Provost reported that he had heard in Edinburgh that a Burgh charter had been brought by a stranger to the Four Courts of Dublin to be translated, and had never been called for (T.C.M. 17 July).

3. As an illustration, the Town Clerk was instructed in 1715 to prepare an Index to all the Acts of Council (T.C.M. 1 May). This was not taken in hand for over half a century. In 1773 John Mackenzie, clerk in the Town Clerk's Office, was promised an honorarium if he completed to date an abridgement of the Acts and an alphabetical list of burgesses, which he had compiled down to 1758 (T.C.M. 25 Jan. 1773).

Archibald, at the request of Sibbald, compiled some notes on the antiquities and curiosities of the town and district. They have been published in D. & G. N. H. & A. Soc., 1900-2, p. 51. Unfortunately, he tells us little about the Burgh, most of his notes relating to the surrounding country. Edgar does not seem to have known of this MS. His Introduction was based on first hand knowledge, his unidentified authority—"mine author"—and some acquaintance with Camden and Coke.

The next historian of Dumfries was Dr. Burnside, minister of the New Kirk. His MS. now belongs to the D. & G. N. H. & A. Society. It was compiled for Sinclair's Statistical Account, in which only a portion of it appears. In this most painstaking and careful account, written in 1790, Burnside makes free use of Edgar's MS., expressing his indebtedness thereto. His estimate of Edgar was a very fair one—"although he seems to have been little pleased with the managers of the Burgh at any period, he appears to have been a man of considerable attention and enquiry." Burnside attempted no connected history, contenting himself with answering Sinclair's questions fully and carefully, giving wherever possible his authority for facts outside his personal knowledge.

The first formal History of Dumfries to be published was William Bennett's "History of Dumfries," which appeared in the *Dumfries Monthly Magazine* for June, 1826, and in the following numbers. It was the first and most scholarly effort that had been made to write a connected history. Based mainly on Ridpath and on Chalmers, it contains numerous references to authoritative sources and does not deserve the oblivion into which it has fallen. This is doubtless accounted for by the fact that it came out in parts, and was not carried beyond the commencement of the 16th century, owing to the early demise of the Magazine. It has also been entirely supplanted by the successful "History of Dumfries," first published by William McDowall in 1867. McDowall seems to have taken Bennett as his model, being indebted to that author for his scheme of arrangement, and the bulk of the material of his early chapters. He even incorporated some of Bennett's references, without checking them, thus perpetuating some grievous blunders. It is, therefore, all the more remarkable that McDowall does not allude to, or express his obligations to, Bennett's work. In spite of this plagiarism, and the mistakes to which all authors are liable, McDowall's work is of permanent value. Conceived in a scientific

spirit, and carried out laboriously in the brief leisure of a busy man of letters, its verbosity, its failure to use material that lay at hand and its manifold inaccuracies make it easy to criticise. But though McDowall chose too large a canvas for his subject, and covered it too thick with paint, his History will always remain the standard work on the Burgh and the District.

Some MS. collections relating to the district deserve a mention. At the close of the 18th century, two lawyers collected a quantity of material relating to the county. John Syme, W.S.,<sup>4</sup> had a large local practice acting *inter alios* for Kenmure, whose charter chest he inventoried. On 25th June, 1782, he presented a folio MS. volume to the Edinburgh Society of Antiquaries, containing a large collection of writs, classified and arraged, with an index and introduction, together with a plan for the arrangement of all county records (Reg. of Donations, 303). This volume is now missing. In Dec., 1788, Syme apparently had it, for he offered it to General Hutton for his perusal (Hutton MSS. I. 44). Another contemporary collection was made by Commissary Goldie. Burnside certainly had access to it. It probably included numerous original documents, for Goldie was known to have had a transcript of the Holm Cultram Register, and his official position would give him access to plenty of material. Till recently the collection was at Craigmuirie, but having been temporarily stored in the washhouse during structural alterations, it was accidentally destroyed there by fire.

A somewhat similar fate befell another important collection made by Mr. W. F. H. Hunter Arundell, of Barjarg—being destroyed in revenge by a butler who had been dismissed for misconduct. It is alleged that many original documents which had been borrowed for transcription were thus lost. The few note books that survive clearly prove that Mr Hunter Arundell had had access to numerous private charter chests. An adverse fate pursues such collections. Dr. Clapperton, M.D., of Lochmaben, and father of the African explorer, made a large genealogical collection circa 1825, relating to county families. The Barjarg MSS. contain several notes from the Clapperton MSS., there being at Barjarg a letter from

4. John Syme was admitted a writer on 21 Jan. 1750, after apprenticeship with Thomas Goldie. He was the only son of Alexander Syme, writer, Edinburgh. He married secondly in March, 1748, Mary, daughter of James Ravenscroft, of New Park. He was writer to the Privy Seal in 1752, and owned Barncailzie. He died on 6 June 1790.

Clapperton acknowledging the return of his MSS. As far as can be judged from extracts in the Riddell MSS. at the Advocates' Library, the Clapperton MSS. appear to have been compiled from hearsay rather than from documentary evidence. The collection cannot be traced. Finally, there is the Aitken MSS. belonging to the D. & G. N. H. & A. Society. It is to be regretted that the late Mr. John Carlyle Aitken did not carry out his lifelong researches on any adequate system, or leave his papers in order. What have survived him are most fragmentary, chaotic, and incomplete. Such as they are, they show that his researches covered a multiplicity of subjects, and ranged over an immense area of material. His generosity in placing his notes and MSS. at the disposal of students and genealogical enquirers is probably the cause of their present condition.

No authentic picture or drawing of Dumfries in early days has survived. In January, 1846, there was sold at the Cally House sale a picture in oils,  $29\frac{1}{2} \times 13\frac{1}{2}$  inches, which was catalogued as "A View of Dumfries in 1593, from a drawing taken during the Embassy of Sir Ralph Sadler in Scotland, during the reign of James VI." The picture, if it ever comes to light, must always be suspect, as Sadler was in Edinburgh in 1543, and died in 1587. The drawing is not amongst the Sadler Papers at the British Museum.

### III.

In the early development of every community the two emblems of civilisation are the church and the castle. It is, therefore, natural to find both these edifices mentioned in one of the earliest charters that relate to Dumfries. Between 1175 and 1189, William the Lion granted to the church of Glasgow, and to Bishop Jocelin, a toft of land lying between the old castle and the cemetery of the church of Dumfries (Reg. de Glas. No. 42). This was by no means the only land in Dumfries owned by monastic establishments. The Hospital of St. Peter at York held land in the Burgh granted by pious benefactors (See App. A, No. 1-3). Holm Cultram Abbey was even more fortunate in the number of grants it obtained (*ibid.* 4-8). Lanercost, too, benefited by the piety of the Grindergret family (*ibid.* 9). The Knights Hospitallers of St. John of Jerusalem owned land adjoining the north side of the cemetery of St. Michael's (Reg. de Calchou, 266). Other tofts must have been acquired by them

the Newark in 1662, by means of an impost of 4/- scots on each sack of meal sold there by freeman or stranger (S.A.P. vii., 389). A fleshmercat lay on the north-east of the Newark. The fish market was situated at the Fish Cross at the end of Lochmabengate, close to its junction with the Bakraw (Queensberry Street). From thence the Fish Cross was removed in 1693 to the top of St. Michael's Street. On 9 Oct., 1738, we hear of it being repaired, and on 27 July, 1788, it was ordered to be removed, "being a great nuisance," and set up on the Cross Brae below the Midsteeple (T.C.M. of dates). All these markets were in 1598 in a "decayit state owing to the contagious infectioun of the pest whereby the inhabitants hardlie handillit for want of necesser sustentatioun" (R.P.C., v. 505), and business in them must have been seriously affected in September, 1625, when the Fair was prohibited for fear of introducing the plague from England (R.P.C. i., 2nd ser. 134).

At no time was the Burgh a walled town like Berwick or Carlisle. References do occur to the "walls" of Dumfries; thus "the lands of Dumfries walls" are mentioned in an Act of Parliament in 1669 (A.P.C. 469). But there is no evidence to show that there was aught but a ditch or fosse, surmounted by a dyke, encircling the town from the North Port by the Moat, round the Cristel Chapel to the Lochmabengait, and thence round the dyke of St. Michael's Church to the Nether Port. Thus, on 15 Jan., 1575, it was ordained "that all dykes and fowceis about the Burgh be mendit and castin fra the North Port to the Nether Port at the sowthe part of the St. Michael's kirkdyke" (Aitken MSS.). Nor does there even seem to have been a wood palisade surmounting the earthen dyke, as in the case of Peebles. What was the object of the Warder's Dyke—a great ditch and mound running from the Nith to Lochermoss, where watch and ward were constantly kept (Pennant's Tour, 1772)—it is difficult to say.

Little light can be thrown on the question as to when Dumfries first became a chartered Royal Burgh. It may be argued that the existence of a Royal Castle in the Burgh in the 12th century denotes that Dumfries was then a Royal and fully chartered Burgh. Though there is no other very valid reason for supposing so, yet there may have been charters granted to the Burgh before 1395, when Robert III. granted to the Provost, Bailies and Community of Dumfries for a feu ferme of £20, the



Burgh with its liberties, small customs, tolls, etc., the right of holding courts, and the profits therefrom (*cum curiarum exitibus*), the fishings, save such as belonged to the Friars, and "all such privileges without and within the Burgh whatsoever, which the burgesses and community have had and possessed in our time and the times of our ancestors, the Kings of Scotland" (R.M.S. new vol., App. i. 163). These privileges could not have been more than the customary burghal organisation. But they show that Dumfries, long before 1395, was a fully constituted Burgh. Still, all that this grant proves is that certain burghal rights enjoyed in previous reigns were in 1395 safeguarded, confirmed, and established by charter.<sup>7</sup> There is some reason to suppose that had there been previous charters, they would have been alluded to in the 1395 grant. A comparison with the Ayr charters confirms this opinion. When in 1223 that Burgh obtained by charter a weekly market, the original grant of William the Lion (1202-7) is specifically mentioned therein. In the charter of Robert the Bruce to that Burgh (1324-5) the grant of 1202-7 is referred to. In Robert III.'s grant to Ayr (1400), which is couched in almost identical wording as that to Dumfries, mention is made of the "charters of our predecessouris" (Ayr Charters, p. 1 *et seq.*).

But though possibly unchartered, Dumfries, prior to 1395, must have acquired a constitution such as Ayr. The earliest mention of a Provost is in 1288, when Adam de Boulton and David Arplyn figure as "*prepositi*" (Stevenson, i. 51). The record refers to the payment of the fee due to Sir David de Torthorwald, a supporter of England, and the names have an English ring. Indeed, John de Boulton was mayor of Carlisle in 1254 (Cumberland Pipe Rolls, xxv.). These "*prepositi*," therefore, may well have been English appointees and

7. Though Robertson's Index gives the 1395 charter as a "new infeftment," this cannot imply previous charters. Infeftment is not the word which would be applied to Burgh charters in the strict sense. Infeftment really applies to the superiority of the town, the town being considered as a piece of property and source of profit. The grant of 1395 is, in effect, an infeftment, as the town becomes its own landlord and superior for ever, subject to a regular fixed feu ferme. The town henceforward takes all the profits of the town which hitherto the superior of the town took, unless they were farmed out, which was frequently the case. The grant of 1395, therefore, affects directly the feudal tenure of the town, as a brand new tenure in feu ferme has been created, and so is properly an infeftment. An ordinary Burgh charter which merely affects the internal constitution of the Burgh and its officers would never be called an infeftment, as the tenure of the Burgh would not necessarily be affected at all.



# A HISTORY OF DUMFRIES.

---

This Account<sup>1</sup> of Dumfries was wrote by R[obert] Edgar, a Burger of that Burgh. He was Father to the late Theodore Edgar of Esbieshiels, near Lochmaben.<sup>2</sup> I had it copied from the original MS. in R[obert] Edgar's own handwriting, which in 1790 was in the possession of John Clark, senr., Writer (and late Provost) of Dumfries.

R[OBERT] R[IDDELL].

1791.

## [AN] INTRODUCTION

to the History of the Town of Dumfries—in which the Origin, Situation, Length, Convenience, Royalizing, Buildings, Demolitions, Advances of Trade are considered from the earliest accounts.

2do. The government, administrations, & execution thereof, crafts, increase, industry, & manufacture are shown, with seasonable remarks & advices on the whole.

—:—

By a lover of Truth, and of the Wellfare of the Burgh.

—:—

Invitus [ea] tanquam vulnera attingo, sed nisi tacta tractataque sanari non possunt.—*Liv.*<sup>3</sup>

children yearly christened for seven years, births, [and] burials; the name of the Church; when it was first dedicate, whether a Rectory, Parsonage, Vicarage, Curacy; [the] Patron, amount of the stipend, how and by whom paid, whether a Manse or Glebe, the amount of the Glebe, Sepulchre Monuments, Epitaphs, Tombs.

2. [The] Burgh's names, Villages, Houses of Nobility & Gentry, Antiquity, etymon of names, rivers, loughs; [whether] they stand Royal or Baronie; Titles or names of Magistrates, number of the Town Council, Public Buildings, Churches, Chapels, Meeting-Houses, to whom the latter belongs; Colleges, Public Libraries, when and by whom founded, &c., Company of Trades & Manufacturers, Free & Charity Schools, Hospitals & Almshouses, Fairs & Mercats, & the days thereof.

3. Scottish, Pictish, Romish, Danish antiquities, buildings, roads, camps, castles, forts, walls, ditches, ramparts, lines, cairns, artificial mounds of earth, coins, monuments, pictorial sepulchral inscriptions.

4. Names of places—Where were pagan temples, whether walls, erect stones, places or names of fights, battles; face of the country, mountainous or plain; Nature of soils—the produce of what victual, if improveable by agriculture, the provision the Inhabitants live on, their Jewel.

5. Names of Rivers, Lochs, dimensions thereof, Fishings in them, Bridges, their Arches—Harbours, Sea-roads, and remarkable courses of Tides, Cataracts or Linns of Water, Mountains, their Height, Mineral Waters, their Virtues—Natural Caves, Woods, Forrests, Minerals, Fowls, Insects, Reptiles, &c.

The 6th Article awanting.

And having sent them in print to the several Magistrates of Burrows, and Synods & presbyteries of the Kirk of Scotland desiring them to transmit their answers and accounts to him at Edinburgh. But the Gentleman was disappointed;

because the Magistrates and Ministers being mostly young persons & not experienced in the Pictish, British, Irish or Saxon languages, his proposals were not answered as he expected.

AND THERE BEING some desires to write an account of the Rise of the Corporations of the Crafts of Dumfries from the earliest beginnings; the same required an incidental account of the Burgh and increase thereof before and since the erection into a Royaltie, so far as can be traced, leaving to others, who from the original writes in their Charter Chest may discover an more ample account; [this] moved the undertakers to pry so far as possible into matters and facts for furnishing materials for the History of the Burgh of Dumfries, taking this for an Introduction thereunto. Tho' it is supposed that sundry of the writes that pertained unto the Burgh, by the fraud or negligence of some of the Administrators are embezled; yea credibly asserted, since the year 1702 were iniquitously destroyed in revenge by some of the then prime Administrators.

And it were to be wished that the Administrators had inventored the Town's charters & writes in the Registrie at Edinburgh as other Burghs have done, to be patent to the Heretors on occasion to ascertain the existence and Inventor thereof which would be curious and satisfactory, if not encouraging to the increase of the Burgh, as the History of Glasgow, Aberdeen, and some other Burghs have been written and published, and might be for the comfort and renown of the present Administrators or their successors in office or heritage.

## CHAP. 1st.

## OF THE NAME OR NAMES GIVEN DUMFRIES.

---

DUMFREES or DRUMFREIS, called in Latin DUNFREIA hath its etymon from *Dun*—a rising ground or hill, & *Freash*—scrogie bushes growing on it, as Dunkelden—a rising ground with hazel bushes first upon it.<sup>7</sup> The name Dunfreash being both in the Irish, Highland, Scotch & British or Welsh, by signification or interpretation the same. In some old books or dictionaries it is named Chorda or Corda Selgovarum, which implys the innermost or middle part. And Mr. Robert Ainsworth in his Lexicon 1736, hath it Dumfreia, Demofresa, Conda Selgovarum—a tribe of the Colonie of either Picts, Irish, Scots, or British who came into these parts for habitation, on the brinks of a pleasant, wholesome and fresh River Nith or Nid, supposed to be a corruption of the British from Nitidus, most clear and fine. And even in the time of Cæsar's invasion of Britain in the reign of Casibelan, these were the tribes of the Belgæ, Cantii, Durotriges, Dumnonii, Iceni, Silures & Selgovæ, whereby Corn[elius] Tacitus & Ptolemy suppose the Selgovæ situate on the west coast of South Britain between Solway Firth and Clyde, and Dunbriton firth, and the towns belonging to them Trimontium & Oxellum; which cannot now be understood, unless it be Dunfreis for Trimontium which might be then a small Villa, on or among three eminent hills, or rising grounds, or that Kirkland Moat, Corbery Hill or other rising ground nigh the same is meant; but more likely Criffell, Queensberry and Burnswark, tho' there might be considered also the Old Kirk ground and street, the street about the Cross, and the Old



School-househill called Chapel hill, the highest ground yet of all; and Oxellum cannot be guessed unless Carlisle or Annan. And these being in the latin tongue, their signification without knowing or adverting to their British names cannot be known; because the History of England gives an account that the Britains stragled and went thro' all Britain especially this South part, settleing themselves before the Picts or Irish Scots or Scutes come out of Ireland, some say three hundred and odd years, which appears probable by the names of the places on the East side of the river Nith, as might be instanced, vizt,—Boytath being Boisteta, Woodhead, vide Buchannan, Baker, Speed, Stow, Camden &c.

It is most probable it was at first only a little village situate on the said River without a Bridge on the south west. Whoever was the persons and whatever the motive of situating the beginnings of Habitation or Society in this place, was certainly by divine Providence determining them to fix their abode so conveniently and corresponding to the ends of living and subsistence in a Society; and surely this situation hath been so intended by the conveniency of the River, on the one hand west towards Galloway, and a large Moss on the north east called Lochermoss, between which and the town are convenient fields and Burrow Aikers, none of the worst soils to cultivate for producing Corns for sustenance of the Inhabitants. And as learning was much kept from mankind about and after that time in the days of Popish ignorance and deception by the cunning of Romish policy and fraud, so the Monks and Friars had no doubt the direction of the buildings, labouring (no doubt) to imitate Old Rome, the Mother of Direction, by building and augmenting the buildings on seven colins or riseing grounds (tho' now within these forty years visible to the remembrance of some old persons, levelled and brot down), viz. The Townhead Hill, or Moat-hill on the North, the Chapel hill, or old School-Hill, The North-east Barnraus Hill, the Crosshill and houses on the West thereof, the Fish Cross hill, the Southward gate hill, the Kirkgate or

Old Kirk Hill. And the streets being well paved are free of standing water, the falling rains running suddenly off to the river.

The Situation of this Burgh is one of the most delectable in the nation ; with all commodious and healthful walks down the east side of the river Nith, on the east side, from over the Colledge of Lincluden to the conterminous grounds of Netherwood. The walks within the territory of the Town are,—the Mout or Moat<sup>8</sup> on a precipice of the water of Nith on the north of the Town, on a rising ground conterminous with the street called the Townhead, artificially raised on that high ground, about sixteen feet high, on which three men may walk at a time, about fifty feet in length, the water having within these sixty years cut off the bank under the precipice about twelve feet of ground in breadth, there being a passage of twelve foot broad reserved thro' the Old Heretor's waste grounds, where there is a Ligate & Stairs to go up for a road walk ; and from thence downward (on the precipice and brink of the river) a walk to the greensands which is a deluvion from the grounds on the west side of the river in Troquier, about two aikers of ground.

It may be observed, if the Sovereign or Burghs Administrators would build for the defence of the Town upon the rising ground next adjoining this Moat, a Castle or Fort raising it so high as the half of the Edinburgh buildings on the Rock called the Castle, this building in a second or third floor would not only command the Town southward (the houses of the Town being generally two or three stories high) but defend three avenues, *vizt.* North-Townhead, Lochmabengate and the Bridge from Galloway. And it may be remembered how much the Inhabitants and their Auxiliaries in Octr, & Novr, 1715 & 1745 stood in need of such defences. But the Administrators are wiser to encourage private buildings, while they furnish timber, deals, iron, lead, glass & lime for [the] same.

The antiquity of Dumfries cannot be at first accounted for when a Village or when People at first gathered to it for inhabitation, because neither the Town's Charters nor Records spared and saved from embezzlement can give any clear information thereof, but must be guessed at by collateral Histories, *viz.* 72. 73 Chapters Quoniam Attach. which was 29th year of King David between the years 1124 and 1153, [when] a Scotch Parliament was holden at Dumfries with regard to the breaking the King's peace by the people of Galloway, and their mulcts and fines of Cows and Horses to the King.<sup>9</sup> Also with reference to the Eminence of Dumfries Mr. Edward Cock on English Law mentions two Acts of Parliament, one in the 28th year of Edward the first, King of England, at Dumfries 23rd. Octr, and the other the 30th. thereof, in Anno 1300, who that day granted a truce to the Scotch nation, at the suit of Philip King of France and granted them Letters of Notification to Patrick de Dunbar Earl of March, under his Privy Seal.<sup>10</sup> It is supposed it was a Villa sometime before Anno 1000.

The streets of the Town are, from the Townhead under this Moathill in three turns southward, the main street beginning at the Frier's Vennelhead down to the Cross and Midsteeple, and thence turning a little southward to the Southward port or gate, thence a little more south-west to the Milnburn bridge, and then south-eastward to St. Michael's Work, the Old Kirk, lately rebuilt with the highest spire in a direct line with the other two spires. The back streets are the Flesh Mercat on the north-east, covered with the houses of the Mid-row from near the Townhead to the Coffee House; on each side of these streets are Lanes or Closses at the distance of 30 or 40 feet from one to another, leading down to the inhabitants' houses, yeards, and barns. All these, like the teeth of a comb, have an issue, *viz.*, these on the west side towards the water have an issue to the West Barnraws from the Vennel Port, to the Rigs Chapel,<sup>11</sup> now a Tannerie, called Irish Gate, where there are several new buildings with

pleasant gardens. These on the north side, an issue to the north. These on the east side, an issue to the East Barn-raws; leading from the Lochmabengate Port, backward to the Old Millhole Mill.

The other Walks, or refreshing turns, are from the foresaid Moat down by the river side & Greensands nigh which were the Brick-Kilns; then downward in a line [to] the Whitesands, capacious of the Mercats of horses and black cattle, above and below the Bridge of the Town. The length of the town from Townhead Port to Catsrand is about a mile long of continued street, with 3 turns from Townhead Port to the New Kirk, as the main street thro' the Town."<sup>11</sup>

There is downwards from the Sands below the Bridge in a line by the riverside, a new Causeway made by the Administrators to restrain the river off the east side under their gardens, which is now completing so as the walk to the Dock by the Riverside is most pleasant in fair weather. This Dock consists of several aikers of ground by diluvion, off the banks of Troqueer east, on the east side, under the yeards of the Inhabitants of the Kirkgate within these 150 years. Some old people who had seen the River of Nith run under these yeards, and observed the increase of this Dock about 50 years ago, related this matter, which is confirmed by the Heretors Rights, bounding their yeards with the River on the west, which is now so far restrained by the rubbish of the builders, that these Heretors have got their yeards or gardens drawn out to twelve or fifteen feet more in length. To this Dock come up Barks and Light Vessels and are livered, and several pretty big vessels have been built, and launched there. From this Dock there was a way by the Riverside, under the stone quarry to the Cummin's holm, commonly called Kingholm,<sup>12</sup> which was an excellent pasture for the Inhabitants' cattle, besides several aikers of arable ground inclosed and set in Tack to the Administrators' friends or Counsellors, and thereby the Inhabitants are deprived of keeping cows, horses

or goats, without consent of Heretors or community. This Holm is of far greater extent than the Dock, and this Dock was also generally a common pasture till within these 44 or 46 years.

The Administrators set out the Dock with four aikers purchased from Robt. McBair of Netherwood living at the Castledikes,<sup>13</sup> and the pasture of the upper or greensands, towards augmenting the Revenue. This Cummin-holm terminates on the south with some of Netherwood's grounds at the Mill of it. Down this River from the march at Nunholm all along to the said quarries and below these, there are Salmon-fishings with net and cable<sup>14</sup> belonging to several Heretors who, no doubt, of old purchased the same easily from the town, *viz.* Cunningham's, Middlebie's, Craik's, Irving's & Netherwood's (this last over against the quarries and Kingholm), the Town's property of which it ought to be enquired how they came by them.<sup>15</sup> But much more that they know not nor enquire how Netherwood's lands and Castledykes came from the Town, being the Burgh's property given by King Robert Bruce after he had slain and forfeited John Cumine called Red Cumine in the Franciscan Priory of Dumfries, where now there is a Bowling Green: The said Netherwood being yet a feu of the Town of Dumfries, which is the Superior thereof. But whether feu or blanch duty, or any demand of payment, or compositions for entries & giving Charters, which might augment the Revenue and free the poor Brewers and Craftsmen of their impositions &c., is a mystery to the Administrators & Heretors, except some of their Clerks who understand the same and probably are gratified by the Proprietors,—seeing there have been two new Vassals entered since the death of Alexr. McBair who should each have paid a year's rent for his entry, which is probably in the Treasurer's Accounts within these twenty years past.

Within about two miles southward from the Town is the old haven called Kelton-thorn which hath been a long time apply'd unto, tho' not so commodious as some shores more

south eastward pertaining to the Lord Nithsdale, which the Merchants or Administrators are acquiring to receive vessels of a greater burden.<sup>16</sup> And about four or five miles lower on the Exit or Issue of the same River Nith on the south & Gallowayside, in Arbiglands property, is the haven named the Carse, where the Merchants have purchased storehouses. And this is most commodious either for Free or Embezzling trade, seeing in twenty-four hours there is run from Mona or the Isle of Man, of tobacco, wines, spirits, silks, &c., from France and Spain, lodged and sold there and brought to most parts of the south of Scotland, to the great export of our specie, and taking away of our grain and victual, and introducing of luxury among our people.<sup>17</sup> This Isle now is said to be the property of the Duke of Athole, and it is pity that the Sovereign and Government were not better informed of the detriment which the trade from this place occasions to the Revenue and peace of Britain, upon many views, more especially to receive the principal Rebels in Annis 1715 & 1745, who getting boats from Popish friends on the coasts of Galloway are suddenly wafted over to the Isle of Man & so to France &c.

This Island of old belonged to Scotland and afterwards on some convents became the property of the Kings of England; and they gave it in Lease or gifts to the Lords of Derby, of the name of Stanely. This Right was quarreled by the Officers of State in Queen Elizabeth's reign, according to a Manuscript by one who was acquainted with some ancient Histories and hath collected several occurrences relating to that Island which I shall here give the Reader as follows,—

[Here follows what is apparently a draft Bill or Petition to Parliament (possibly drawn up by a Town Clerk of Dumfries), asking for the annexation of the Isle of Man to the British Crown and for the punishment of Manx smugglers. It begins with a long summary of the history of the title to the island, copied almost *verbatim* from Sir Edward Coke's *Fourth Institute* (cap. 69), and from William Camden's *History*

of *Elizabeth* (3rd ed. 1675, pp. 491-2), but with many material omissions and inaccuracies. Since the history in question has been thoroughly dealt with in A. W. Moore's excellent *History of the Isle of Man* (2 vols., London, 1900), based upon the publications of the Manx Society, it seems unnecessary to print this portion of Edgar's MS., especially as a very large series of corrections would have to be supplied in footnotes. The smuggling carried on from the Isle of Man caused very serious losses not only to the revenue, but also to Scottish and English traders, as is shown in an interesting article entitled "Reasons for annexing the Isle of Man to the Crown of Great Britain," which appeared in the *Scots Magazine* for May, 1751 (also in the *Gentleman's Magazine* of the same date). The project of annexing the island had been before Parliament ever since 1725 (Stat. 12 George I. cap. 28, § 25-6), but the annexation was not effected until 17 May 1765, when the sovereignty of the island was purchased from the Duke and Duchess of Atholl for £70,000, under Stat. 5 George III. cap. 26. After the historical recital, the Petition proceeds as follows—]

"But in all this, unless the Earl [of Derby] had a grant under the Great Seal,<sup>18</sup> or an Act of Parliament<sup>19</sup> by a special name for establishing the property in himself and heirs, his Right is said to be null and void and may be resumed by the Crown. But supposing the Right and Title to subsist, as Queen Elizabeth and her wise Council perceived clearly that the English fugitives and Spaniards after the disappointment of the Spanish Armada took up a refuge in this Island, so it is most sure that the King of Britain may by his wise experienced Council, now after two General Insults & Insurrections, with Invasions of French in Britain 1715 & 1745, may be as well informed, that not only the enemies of the Government who were fugitives from the said Rebellions and the punishments of the law, have settled on the said Island. [But that] English, Irish and especially Scotch, who drive a trade with France, not only poisoning the country with sophisticate wines and brandy and in East India silks and other French goods, as tea, coffee and chocolate to exhaust

the specie to the French our enemies, [do] deprive the Merchants in England and Scotland of the Towns about the coast, especially of their Free Trade, for which they pay to the Sovereign and Corporations in which they reside to receive & transport our victual on these Continents, to France, to famish the poor and raise the price of victual yearly, but likewise to defraud the Revenue hitherto with respect to debentures and run wines and all other goods, Indian and French product and manufactures, and while the Towns about, Wigton, Whithorn, Kirkcudbright, Dumfries, Annan, Whitehaven, Cockermouth, and Carlisle, do buy and receive the same from the country smugglers, who are become very numerous, audacious and violent, wounding and deforcing the Waiters & Excise Officers.<sup>20</sup>

“THEREFORE BE IT RESOLVED, that unless the Duke of Athole derives an indisputable right in virtue of the heirs female or male of the Earl of Derby to the Isle of Man confirmed by Act of Parliament of England,<sup>21</sup> his title thereunto may be repute by subreption or obreption, ane imposition and wrong possession, to the exhaeridation of the Sovereign of Great Britain; That the King’s Most Excellent Majesty with the consent of Parliament, may righteously resume the Property, Authority and Government of the Isle of Man which hath been occasion hitherto of the inexpressible loss and detriment of the Revenue, the encouragement of French and Popish disquietments and Rebellions, & deprivation of the victual of the counties of Galloway, Nithsdale and Annandale & exhausting the Specie to our enemies and the eluding the Duties hitherto by the sudden running of French wines, brandy, tea, coffee and other goods on the Continents of Britain & Ireland; And may it be further enacted that all persons, correspondents & factors with and for the Inhabitants of that Island & with their factors & correspondents & separatim, who also join and are partners with them, shall be liable in £500, and all persons, discoverers thereof to



Provost, Bailies, Justices of the Peace, Sheriffs, Commissarys, [or] Stewards, shall receive a reward of Ten Pounds for discovery, and these Judges shall be liable in case of not due execution of their Office, in hac parte, in a fine of £50 Sterling payable to the use of the poor in the several parishes where the smugglers dwell; And also that such smugglers being convicted shall forfeit boats and liquors &c, and be liable to banishment in terms of former Acts of Parliament, to which this makes no derogation; And that no Suite, Action, nor process of Law shall be sustained by any Judge in the name of or in trust for any Merchant in the said Isle of Man, or his factor, unless the plaintiff make affidavit, that such Suits are not in trust for them, or that goods sued for are not goods counterband brought from the said Island."

There were within these forty years past two Milns within the Burgh, one called the Old Milnhole Miln<sup>22</sup> whose aqueduct is from the Town's property, an little lake called Newdam and Mildamhead, and was an easy and swift going Miln for grinding Malt, but miserably rendered useless as to that, & said now to be a snuff Miln, by reason of the partiality and iniquity of the Administrators who having in their Council a set of men proposing their private gain on the spoil of the Public Revenue, who had a tack of this Milndam-head which was the cistern of the other, and fed the said Old Milnhole, ditched it of eight or nine aikers and converted it to a Meadow, where in lieu of seven or eight pounds of tack duty for their ditching and enclosing this ground, they reap hay & grass yearly to the value of £36 or £40. This occasioned the Administrators to expend since the year 1705 for building two Milns in the Town's ground on the Galloway side in Traquier Parish about £100 Sterling, besides great expenses in keeping up Dam Dykes thro' the middle of the river Nith yearly, the alveus of which belong to the Town, as having ground on both sides: On the south side of which is a Quarrie of free stone & a Kiln for drying corn & malt. The Quarrie

is in disuse, because the Administrators inclined to feu off the ground, being some two or three aikers, to some Heretors of the Council, without an Act of Boroughs or the consent of the Heretors of the Burgh; The Revenue of which Mills is yearly about one hundred & twenty pounds Str.

From this view there is a return to the Inhabitants their property in Locharmoss for digging peats and turfs, from the Stoupe where the horse Courses or Hippodroms begin on the west, about a mile from the town, to Locher-Course (a water on the east and north east), which is a spacious ground of some hundreds of aikers marching with the Mosses & Grounds of Craigs on the south east, upon which there are several Bridges of timber & stone. And it is most strongly presumed that the sea or an arm of it came up it from Cock-pool, now called Comlongan, to the Old Place of Tinwald, being about six miles in length and three in breadth, from Solway Firth which is a sea that thrusts forth northward from the Isle of Man, between St. Beigh's head in Cumberland, and the east coast of Galloway and by Colvend and Arbigland to the foot of the Water of Orr which runs out in this Firth, as doth Eden, Esk, Annan, Servent, and many other rivolets on both sides from Scotland & England.

To found the presumption of the sea coming up of old into this Firth, which retiring again in the divine Providence, it is most certain, saith My Author,<sup>23</sup> that there was found within these sixty years past in the Moss within a bowshot of the Stoupe where the Horse Course began old brouges or shoes of leather of a greater size and form than to the measure of any man's foot, laced in the middle,<sup>24</sup>—and oars of a boat nigh eighteen feet deep which my Author says he has seen and handled. Tho' it is supposed there is not any vestige in History, unless the Black Book of Paisley could discover it; and after the retiring of the sea, by the Muscuous Mucor and grass growing on it, [it] became a wood or place of trees, as oak and fir of great thickness and length have been digged

out of these mosses, which hath been beneficial to the Heretors and Inhabitants both for fewel and other uses.

There is a wynd or street called Lochmabengate, from the Fishcross northward, which leads in two ways to the Moss & Bridge thro' it and to the Edinburgh Road and to Annandale, this is a pretty long street, having seven or eight closes, northwards towards the East Barnraws, and over against the entrance of this Barnraws there are eleven wynds or closes to the east leading to the Inhabitants yards and barns under them. This street hath a port at the issue and was of old the way by which the people of Lochmaben came into this town and therefore so denominate. In this street there are several good buildings, and on the north beyond several houses & barns—without the Port—stands the ruins of the Old Chappel called Chrystal Chappel<sup>25</sup> on a high ground under which by an old tradition one of the family of Seaton of Winton was buried; and this Chapel and ground about, and also the Franciscan Kirk with yeard & lands about it, by Act of Annexation at the Reformation from Popery in Anno 1587, was adjudged as all within Royal Burghs and their territories to the Burgh of Dumfries, tho' the weak Administrators disposed thereof at pleasure.

As to the supposition of the first Inhabitants of Dumfries, they were certainly a collection of persons from the adjacent counties and particularly craftsmen, *viz.*, Smiths, Wrights, Weavers, Taylors, Shoemakers, Fleshers &c., to whom were gathered in these times country people for work or conveniency of living. But these being generally poor and unable to build houses, it is asserted by Tradition that in process of time by some Acts of Parliament or Council, the neighbouring Heretors were obliged to build houses for their conveniency in Burghs, especially after the time of Robert Bruce in Anno 1305. And so it is that many of the Nobility and Gentry in the country about built houses and gardens, as the Lord Nithsdale, the Lord Torthorwald Carlyle, the

Lord Dumfries who had the heretable Sheriffship in his person and sold it to the Lord Drumlanrig predecessor to the Duke of Queensberry whose house was within the Romes close, and [was] by tradition before the year 1620 a place of the street where stood a broad dub<sup>26</sup> or gutter, an Thorn tree & a Smith's forge, till Geo. Rome and George Sharp built these two great tenements; & also Conheath, Sir Willm. Herries of Terregles, Laggs, Craigs, Gladstanes or Hairstanes, McBraire of Netherwood, Sir Robert Maxwell of Spots, supposed the predecessor of Orcharton, Munnal or Maxwell of Tinwall, Killwhanady, Achanskeoch, Lindsay of Barcloy, Corsans of Barrdarroch, Cunningham a cadet of the family of Glencairn in that parish, Maxwell of Gribton, Maxwell of the family Kirkconnell called Kelton,<sup>27</sup> Stewart a cadet of Shambly, Maxwells of Middlebie & Palmersland, Romes of Kirkpatrick Irongray, Irvings from Red Kirk, George Sharp Hoddam's predecessor, Murray of Broklerig<sup>28</sup> and many others in case the Registers of the Town were to be perused and legible.

The Lord Torthorwald being a neighbourly friend to the Town, when they had built the old Tolbooth, lately re-edified into a Council house & Clerks Chamber, did about the year 1443 gift the town a little clear sharp sounding bell which serves to warn the Inhabitants to Courts and to the Kirk on the Lord's day; the era on this bell is said to be about 1443 and from that time to 1708, that the Midsteeple was built, there was no other bell either to warn to Kirk or Court, save the Old Kirk Bell, supposed to belong to the Old Monastery or Abbey of Sweetheart or Newabbey.<sup>29</sup>

It is to be remembered that the Proprietors of Craigs, lately Hairstanes, which was purchased with the Lands of Kellwood in the parish of Dumfreash from Lord Annandale (Murray) by . . . Gladstanes, son to the pretended Bishop of St. Andrews, who had only a daughter, married to one Matthew Hairstanes Wardrober to King James VI. in his way thro' Dumfries to England Anno 1617.<sup>30</sup> And one of that

family gifted a Brazil Staff with a silver head to the Provost of Dumfries which each Provost receives at his admission with the inscription of the donor. And that family possessed Craigs ever since till the year 1741 or 1742 that the Duke of Queensberry purchased it, which brings to remembrance the saying that the house of Hassock should be Proprietors or Superiors from Cossincon to Carlaverock, Craigs marching with Carlaverock.

There is a long Vennel or street with closes at the back of it on both sides, called the Frier's Vennel from the Minor Friars (which belonged to the Cathedral called [the] Dominican or Franciscan Convent) who dwelt in this Vennel, which Convent is said to be built about the beginning of the twelfth century; within these 25 or 30 years the outer gate with old letters JESUS MARIA was standing, and the Administrators having (the Kirk being demolished) feued out parcels of ground for building to the Inhabitants, the said gate or place is rebuilt a second time. It is uncertain who built this Convent, unless it may be supposed to be done by imposition of the Popish clergy or Heretors in the country about being the contributors, or else this large beautiful Kirk situate at the north-west of the Town (the place where it stood is now a bowling green on the west side of the New Kirk) named the Franciscan Priorie of Dumfries. This Convent or Monastery of Gray Friars<sup>31</sup> is said to be founded by Devorgilla, daughter to Allan Lord of Galloway, mother of John Baliol, King of Scotland (sometime after the year 1200, *vide* Forbes). In this Church Robert the Bruce, Earl of Carrick, killed Red John Cumming before the High Altar Anno 1305. And James Lindsay, with Rodger Kirkpatrick, killed Sir Robert Cumming in the sacristy, who were all excommunicate by Pope John 22 at Avignon, 28th. June, the second year of his Pontificate. John Duns Scotus, surnamed the Subtile Doctor, was here clothed with the habit of St. Francis, and died at Cologne the 8th November, 1308, in the 34th year of his age.<sup>32</sup>

Of which Franciscan Church Dr. Arthur Johnston gives this encomiasticon in his Epigrams on the Royal Burghs of Scotland.<sup>33</sup>

. . . . .

After the Pope's excommunication of Bruce, &c., for the slaughter of the Cummings, this Church fell into contempt, tho' the Provost and Chapter did frequent and use it till the beginning of the 15th century; and there are charters given by ye Provost and Chapter to houses in the neighbourhood in 1497, which have been legible, says mine Author. The defilement and pollution of the Kirk by that murder, stirred up the poor Administrators of the town, to enlarge on an Chapel in the east part of the Town (to which the country parish were said to resort) called St. Michael's Work, that pretended Saint being the tutelary saint of Dumfries in popish times;<sup>34</sup> And the Administrators & revenue being poor & low, built a Kirk on the Chapel dedicated to St. Michael, the building which having commenced the beginning of the 15th century, the Administrators enacted in their Books, that each person seeking to be a Burges[s] or Freeman of the Town should pay five merks scots to St. Michael's Work and the spice and the wine to Robin Hood & Little John,<sup>35</sup> which were funds for Plays on Saint's day near a century following, at least till dawning of the Reformation from popery in Scotland; And by the 61 Act of Queen Mary's Parliament Anno 1555 these plays & offerings to Robin Hood & Little John were discharged. And long afterwards about the year 1640 when Presbytrie was restored, the Town built the northwest wing which covered the Taylor's loft and great west entry, which continued till the year 1740, when this Church commonly called the Old Kirk, was taken down and rebuilt in a compleat manner with a high, small spire or steeple, but of this afterwards.

And to return to the old Franciscan Church, which stood (as was said before) on the place where there is now a Bowling

Green, which was formerly a part of the Garden belonging to the great house or Castle built by John Earl of Nithsdale & Elizabeth Douglas his Lady, Anno 1572.<sup>36</sup> The way and manner of this building is asserted to be thus.—When about the year 1540, when the Franciscan Convent became dis-haunted, the Earl living at Terregles about two miles from Dumfries and having some houses on the east side of this Convent, and having his sons & relations in the Town and of the Council, might easily prevail on that weak and pusilanimous Corporation to comply with his demands to grant him any right they could pretend to the old Kirk & stones, timber, iron, sclate & lead of the decaying Convent and yeards & lands about it; and upon petitioning the Parliament or Privy Council of S[cotland] in the minority of James the 6th, to demolish the Old Convent & erect this great house with many office houses, and enclose with a stone dyke as much ground, as yet appears in a Garden, which was formerly a Kirkyeard or Burying Place, as decorment of the Town and to be a prison for the Border thieves, Peter Muffet &c., this Lord being Warden of the Borders. In which tenement were four large vaults with small wickers of light, and the whole windows of this Castle were barred strongly with iron, being of 3 large stories with Turnpike & Bartisan covered with lead, which building was compleated in Anno 1572.

This Lord Nithsdale took into possession also all the office houses, & about 3 or 4 aikers of land, at the back of the gardens, and granted bond to the Town of Dumfries for three thousand pounds for the ground, stones, timber, iron, lead & glass of the Convent & lands, which bond was in the Town's Charter Chest in 1704 or 1705 as asserted (says mine Author who heard the matter) by the Provost to some of the Council, and that the Bond was good, and that prescription did not by law exempt against a Royal Burrow for the negligence of its Administrators. Nevertheless it is strongly presumed this bond with another (by R[obert] M[acbrair] of Netherwood of 500 merks) was

taken out and given up either to William Earl of Nithsdale, or John McDowall of Logan who purchased the Castle & Gardens & Lands from him in Anno 1715 before the Rebellion for one hundred & forty guineas; and on search such Bonds could not be found in the Charter Chest of Dumfries.<sup>37</sup> Hence the Corporation hath incurred great loss, and thence may be construed and infer'd the wisdom of the Administrators in not demanding the Town's debts, not inventoring the Charter Chest, and not choicing faithful Administrators & Clerks.

Before this Convent was entirely dishaunted, there was an Act in the Town Council Books of Dumfries mentioning that the Administrators had been advertised (probably by the Brethern) that Cardinal Bellamont was in his way thro' France towards Britain to visit the Ordinarys; Whereupon it was enacted that the fabric should be reparell'd in glass, timber, roof &c.

Now this Lord Nithsdale having thus possessed himself of the Old Franciscan Convent, gardens, land, office houses and several buildings and yards northward towards the Townhead, and this new fabric which he had built called the Castle & several office-houses around it on the west, north & east, and having sometimes with his family dwelt and resided there, it fell out that in the Wars between King Charles the First and his Parliament about the year 1638, while one Commissary Ross of the family of Auchenlossan & Roseisle, called of Drumgarland, dwelt in Dumfries,<sup>38</sup> he had lent the Earl of Nithsdale (probably the son and heir of the foresaid John Lord Maxwell) some sums of money towards the Earl's equipments & service of the King and his party, for security of which he gave him wadset or impignora[tio]n of this Castle, house, gardens & lands at the back thereof; and in Oliver Cromwell's time Commissary Ross took possession of all, which probably disgusted the family. This Commissary was said to be Collector of the Supplie or Landtax under



Cromwell, and had a command of Town and country about. But when King Charles the 2nd was restored, it is said the Commissary absconded, and the Earl, his debtor, triumphing in his overthrow, being of the contrary party, came to Dumfries with his relations, vassals & . . . and expelled the Commissary and his servants and goods, and demolished a garden he had made of the north part of the land, rooted out the trees he had planted, and threw them over the precipice towards the river, the vestige of which is apparent to this day *vizt.* cherry trees and others growing on that precipice. But the land came afterwards to be enjoyed by the heir of Auchenlossan who sold it to James Ross<sup>39</sup> a Dyer in Dumfries, from whom Middlebie made a purchase of it, with his whole tenements in 1697.

This Castle for near thirty years *viz.* from 1660 to 1687 was not possessed by the foresaid Lord nor his family. The soldiers who came to Town in the course of the persecution took possession of it for a Garrison and the vaults for stables of their horses; And when no horses were in them, then they were filled with honest, godly men persecuted for not taking the Test and not hearing Curates &c, and these prisoners were most straitly shut up in these Vaults without right breathing and benefit of natural liberties, so fierce and cruel was popish rage and tyranny; only the laigh office houses on the northwest side of the Closs, with the gardens were set to tenants.

But in 1686 and 1687, while William Earl of Nithsdale was minor under the tutelage of his Mother Lady Lucy Douglas, being the only popish family & seminary of note in the South, & low in their estate, and encouraged strongly to depend on the then schemes of the Government which King James the 2nd was advised unto; And having Kirkconnel the King's Receiver General, and John Maxwell of Barncleugh, relations to the family, to be the King's Provost of Dumfries, bigot Papists, was advised, as reported, to ad-

dress and to petition the Privy Council for a sum of money to reparaell the Old Castle in stone walls, windows, floors &c., which sum it is accounted they got to the amount of above £1000 sterling, and put the house in an excellent condition for the reception of the family. And the uppermost storie was appropriate for a Chapel or place of their worship & Mass was therein performed. And this building & triumph having come to a compleat reparation in December 1688 after King James had gone away for France, the people of Dumfries and the Country about arose and burnt the Pope in effigie, and took away the Popish books out of the Popish houses in Galloway, with their Priests vestments in crimson [and] velvet, and trinkets, and also carried Idols of wood out of this Castle or Palace, and burnt all at the Cross of Dumfries on Yule-day 1688. And the Magistrates having absconded, the principal Heretors and old magistrates advised the family to remove, & all papists from the Town, by tack of drum to prevent further trouble & damage, which they did accordingly.

And in May following famous Mr. G[eorge] C[ampbell] Minister who had been colleague with Mr. Hugh Henderson his father-in-law in the Kirk here, some years before the 1660, & Colleague with Mr. Francis Irving late Minister of Kirkmahoe,<sup>40</sup> in a Meeting House in East Barnraws, by the indulgence or liberty of conscience granted by King James out of the good design to the Protestant religion yet embraced by them and others to an happy consequence, was upon the first Sabbath of May 1689 repossessed by William Marquis of Annandale in the said Kirk to the universal joy of the Inhabitants. Mr. Campbell continued here until August 1691 when at the importunity of the town of Edinburgh he was transported to be Professor of Divinity and one of the Ministers of the Old Kirk of Edinburgh. It is said with much credibility, that he was sorry some iniquous quarrels among the chief traders of the Town about that time disheartened his abode, which with the Town of Edinburgh's

importunity prevailed with him; yet when in Edinburgh he expressed his regret that things were so incident to his remove; but still expressed his remembrance of Dumfries and loving good wishes to all the inhabitants & Corporation, & country in general, but especially gave his good wishes and advice as a legacy to the Burgh, thus, *vizt.* That having the idea of the Burgh and situation in all the parts about it, of the county adjacent, & ports & havens, & more especially of the old Castle, gardens & lands beforement, he advised that Dumfries might be a happy place, a place of trade and industry; That tho' in a soil not very fertile, yet in a sweet wholesome air, the Administrators might purchase or recover the Castle Garden & lands contiguous, & build an Colledge with some Professors of Philosophy &c; and [he] doubted not but it would be frequented by disciples from the northwest of England and north of Ireland & country about, to the great increase and wealth of Town & country, and wished as this was possible it be effectuate in the following age. This being related to a certain Provost of this Town within these thirty years past from 1720, who had never seen Mr. Campbell, and this Provost being a pragmatick man who wished the public good, and a method being proposed to him to fall about and effectuate this invention, said with sincerity that if the Administrators of Dumfries would employ him, he would endeavour strenuously not only to procure the patent by help of the Scottish Secretary, the Duke of Roxburgh, but [would] apply to some monied men born in the shire of Dumfries who lived in the West of England, men who had great wealth and no issue, traders who would have left to this good work two or three thousand pounds for the honour of their names in the Erection, as the Queensberry or Douglass Colledge, or any other names who might be donors for that honour, for a sum not below two or three thousand pounds, besides intimation to be continued in all New Gazetts and prints for some years, inviting all persons in Britain, Ireland & in Holland, France and the Plantations who were born in Dumfries or in the

shire or who had regard to the Town, who might give, mortifie, endow or bequeath any sums for promoting this good intention and contrivance. But as the Administrators had no taste for learning, and having too little of a public spirit, and having then in hand the New Kirk-Building, the overture was no further entertained.

Nevertheless if this method was seriously persued, a Fund within twenty years might be got for purchasing the said partt of ground, and procuring a patent from the Sovereign & vassals for erecting such a Colledge. This would not be denied to the Burgh of Dumfries for these causes, 1st—their loyalty & affection to the Government in the Rebellion 1715, who called in the country to their assistance and armed themselves & stood in defence and restrained the Rebels in the south, from entering the Town for the space of near three months *vizt.* Septr, Octr, & to the 20th of Novemr. 1715. to their great expenses and loss of trade and time. Whereas if it had not been so, the contrivance was laid for the South Rebels to take up the town and fortifie it, till Mar and the Northern Rebels had come, which would (in all probability) [have] lost all Scotland to King George, and have been the cause of much blood & confusion. 2ndly—That in the year 1745 the Inhabitants of Dumfries were by the Rebels in three days subjected to plunder, by vile, ruffian, barbarous Highlanders, and were forced to give hostages for two thousand pounds and upwards, and these lay heavy on the poor inhabitants, but heavier since by the Administrators obtaining an Act of the British Parliament in Anno 1717 for a 19 years two-penny Excise, and a second Act of a new two-penny Excise for 19 years more, with Tonnage on merchandize imported by sea. The managery of this imposition of excise is said confidently to be by a Magistrate or late P[rovost] or Bailly, with an Assessor to attend the parliament on the town's expenses, and by a petition & suborning two Knights of ye Port, to give a false evidence of a necessity & mandate for the

Excise petitioned for the Burgh, on specious pretences, scandalous contra their oath, *de fideli*. But in order to raise a Fund for this erection upon another view, the Administrators, as Leader of the Five Burroughs who choose their Commissioners to the Parliament, might have had for the public good, yea, may yet have, if personal & private self prevent not, because a living man outruns dead Saint Michael, such compositions from candidates as may every seventh year add to a Fund for this design, as many Towns in South Britain have done; but private self & a treat of wine & good victuals have a satiating virtue to forget the public good, so it will rest till another and more public spirit are among a new generation of Inhabitants.

But how could such a project of a Colledge be managed, seeing there is so little of a public spirit left in Dumfries? It may be answered as above—that a new generation of Inhabitants of a more public spirit will probably arise in Divine Providence, and take the matter into a more serious consideration, and the influence & example of some may prevail on others to go about ways and means to erect this Colledge in which it is proposed, That as several Colledges have been erected, and particularly the Harworrd Colledge of New England,<sup>41</sup> by giving intimation in all Gazettes or News prints, that any person or persons of what degree soever mortifying and endowing to the designed Fabrick, a sum not under two thousand five hundred pounds sterling, shall have the perpetual honour of the erection in his name, as the Queensberry or Douglass Colledge of Dumfries, seeing that honorable person's father was Provost of this Town, and he himself, a great benefactor of the Corporation in his generous nature, is more apparently able and modestly attach'd to preclude any others; and the Patent and this Fund being obtained, let the intimations continue till more endowments or mortifications be advanced, and still put to use, till a fund be got to satisfy the purchasing, building, and sustaining a Provost & Professor,

as the Presbyters or Synod of Dumfries should advise ; This in the event, if men would look to it with Bon Esperance, may be as easy & surprisingly lucky as Baily Paterson's, John Raining's, or other mortifications for schools, or the poor, hath been before this time, tho' there were little expectations of some of them.

## [CHAP. 2nd.]

THE PUBLIC BUILDINGS belonging to the town at present are the Old Tolbooth,<sup>42</sup> which is the first floor above the shops, and these above vaults or cellars, [and] had three partitions, the innermost where all the Courts sat for deciding pleas, & the Town Council. This turning old and ruinous, being supposed to be among the first public buildings of the town about or before the 1440, was taken down before the Rebellion 1715, and rebuilt in better method *vizt.*—An outer large Council house, where the common Council meet; and there are some rooms above divided for cautionary prisoners, and a writing Chamber to the Writing Master, tho' all the Town Clerks & Writing Masters heretofore, especially Writing Masters who had no sallaries, were obliged to pay for their own Writing Offices. As to these Town Clerks, & the advances of fewel, paper, &c., to such Clerks by the Administrators within these fifty years, towards still diminution of the Public Revenue and sinking the same in debt, let them with a good conscience look to that.

The next Town house was the Prison or Pledge house, situate at a little distance north of the old repaired one, and was built at the King's command, and the Town's expenses, as appeared by an inscription on the fore wall, in 1583 or 1585.<sup>43</sup> This had two floors, the first arched above the shops, named Thieves Hole, and a dark hole with an iron gate called the Pit. The 2nd floor being also arched was divided by a timber partition, into which Debtors were incarcerated. But in the year 1740 or 1741 a Bailiff of the Town in the throng of the Mercat gave orders to the Goaler & Burrow Officers,

who brought to him a Gypsie wife taken in the act of stealing, to secure and imprison her to tryal, which being done and the person put up in the high Prison, which was an error in the Bailey & Gaoler (tho' for dispatch of Common Justice she ought to have been judged furthwith & scourged & banished the Burgh). But that night the miserable wretch by a candle fixed to the partition occasioned the burning herself and the whole fabrick above the floor, which hath been since repaired ; and the roof under the timber & slate is arched with brick, so that it is visibly in a better case and capacity than before. The question then is, who should repair the damage *Bona Fortuna*, the Town's purse for a Salary. But these two edifices have cost the Town more money than was expected, except the building the shops by the Heretors up to the joists of the first floor of the old Tolbooth or Council House, being four ; And this is supposed to be an error in the Administrators in homologating their Right to shops & vaults, which had been given of old by wadsetts to some persons for trifling sums or considerations, and the Town thereby injured in the top of the property of shops under Prisons, Tolbooths & Cross.

As to the Cross,<sup>44</sup> it was before 1690 or 1691 an house about thirty feet in length having to the front three shops, the floors a foot or two sunk under the Street, and above the middle shop, an arch of stone. And then on the back part, a shop which entered in upon this stone floor ; and the roof to the extent of eight or ten feet above this back shop had appended on both sides spars of timber and [was] slated to nigh four feet of the Casaway or Street. There were three sons of [Alexander] McGown, Minister of Mousewald, in the Old Presbyterian time before 1660, whose Father or themselves, for some trifle of money or small consideration, being probably in the Council, bought or wadsett the four shops ; Their names were Thomas, Alexander, & Mr. John ; Thomas had the south shop, Alexander the north, & Mr. John the mid shop & the back shop above the arch. Thomas being tutor or guardian for Margaret the daughter of Alexander, and doer



for Mr. John, and himself being a worldly man, thought if he built up the Cross on both sides there would be two new shops on the back part thereof. To that end [he] petitioned the Administrators that he might build up the Cross in a square building, and cover the wings with lead above the north & south high shops, provided the Town would grant him two feet of ground on each side to extend the buildings, which he obtained and performed. But for several years, his lead covered roof did not repell damage by rain or snow, and thus these persons rights, whatever they were, are homologate & confirmed.

And this was further evident at the time of contriving, projecting, & devising the building a Court House, Weigh-house, & Prison, and a steeple or spire above all, by King William's donation. The Council and Committee on that affair proposed the Cross for the situation, with enlargement north & south, and to cavil those rights to the shops, or purchase them: But the proprietor of two of them, being the Provost, he strenuously opposed the overture, to the loss and spoiling of the Street and diminution of the fund; such was and is the sordid and coward disposition of the Governors, who are willing to let all ly as they find except the tipenny revenue with which they desire conversation to their perpetual honour.

The occasion of this Building was, King William of glorious memory & temporary Soter of Great Britain and Ireland at the Revolution 1688 was pleased from the motive of the low estate of the Burroughs of Scotland to gift them five years of the Customs of the Burrows preceding 1698. The Administrators of Dumfries had little notion of this excellent donation, probably not inclining to trouble themselves about it, till an eminent Heretor, who liked to partake of the obscure benefit arising to this Town (kept them from an insight thereof), first understood from the Tacksmen of the Revenue of the Customs, what the Town of Dumfries's share would amount to (which was supposed to be about 40,000 Merks Scot, or £2,320 pounds or thereby), [and] then pacted with

him to get a transference thereof from the Administrators in his favors; on immediate prosecution of this, he 2dly apply'd to some of the Council, who were more incautious & indifferent of the subjects acclamable, [and] made a connection with them to yield to his proposals; whereupon he made the proposal by a petition, to which most of the members yielded to, the transference for £420, or thereby, and the Provost and this eminent Heretor signed the Act of Council warranting the transference to be expedite.

But this sudden transaction being thought on by some of the more honest and conscientious members, [they] took advice, and made indagation of this hidden affair, who found it to be of great value, and advised the Administrators to suspend and reduce the transference for the sum agreed on. This being accordingly done, the same Heretor and bargainer joining with some of the Tacksmen concussed and threatened the poor, pusilanimous Administrators, that by a plea before the Lords of Session they would stave them off for many years, and [that] (expenses considered) [they] should not reap what was agreed for. Whereupon the Town's lawyers, who probably had a finger in the pye, advised them to a submission, the produce of which was 25,000 merks as the Burgh's share of the Customs gifted by Brave King William. And yet the ungrateful Burghs forget the general deliverance by the Revolution, and his favor by this gift; Yea, the Administrators of Dumfries in monstrous ingratitude, neglected or were intimidated to solemnize his birthday (being the 4th of Novr, & the day of his happy arrival at Torbay) in Dumfries for thirteen years,—if it be otherwise the Treasurer's Accounts will instruct it. But this Heretor or bargainer, having so much mettle to hector or concuss the Administrators, yea to cast a tincture of Jacobitism upon them (and the Town bantered them to keep Queen Ann's birthday on the 5th of February, as the only lineal and indefeasible heir), and on King George's Accession, when the Administrators had called the Inhabitants with their best

habillements and arms to celebrate his Accession, 1st Aug. 1714, he did quarrel and carp at the same as unwarrantable; but he lived not to see another Accession of King George.

This fund of 25,000 merks was miserably applied to building the Townhouse & Mid Steeple upon the High Street above mentioned.

This matter and the resentment of intercepting the evident Lucre by the Town's share of the Customs compon'd as above (and this loss and others was occasioned by a packt club or juncto of friends & relations into a Council, not taking the concurrence and advice of the Heretors & Burgesses, their constituent body and presumed electors), wrought such a leaven & ferment on the foresaid Bargainer, that he contrived to expose the Town to as great loss and expenses as he could, *viz.* He being an great Heretor in Town and Territory influenced Craigs, Netherwood, Provost Rome the Adjudger, and in possession of Netherwood, the Heretors of Dargavels, Laird of Tinwald, the Heretors of Bruntscarth, Auchencreith, Carnsalloch, Middlebie, & Milnhead, to join in a process before the Lords at Edinburgh to evict the Old Kirk called St. Michael's Work from the Town of Dumfries, that these Heretors might divide the Kirk among them specially, the ten high lofts for them and their tenants, and all the laigh parts and area for the Magistrates and Inhabitants. And this was pretended because the Heretors of the County Parish of Dumfries paid, as they said, the Stipend, which was altogether false and wrong; for it is known that the Burgh Aikers when roused pay betwixt 1,000 & 2,000 merks, communibus annis, besides Viccarage and Money Stipend, and the Town gives manse and glebe to the Ministers, and were the builders & supporters of the Kirk and the wings which Craigs, Netherwood and others built—which being advanced before the Lord Ordinary, or innerhouse, and which was instantly proven by many very old acts of Council produced, the Champion and Heretors let the Process of Declarator fall.

His leaven not yet being suppressed, he contrived another stroke against the poor mechanicks, for the sake of their president or Conveener J. J., against whom personally had he levelled it, it had been more meet and merited upon a resentment against him to vote him off the Council in 1701 or 1702, when he, this eminent Heretor, aspired to be Prefect of the Town. The progress of this persecution was really scandalous, but had an artful connection with some eminent families which took resentment on the scuffle aftermentioned, of which this J. J. was the author, which the Proprietor saw would take a great deal of the odium off him, and throw it on these innocent persons, whose vindication he instigated to serve his own purposes. This J. J., being truly a pragmatick and restless blude, thought he could do anything in his elevation & effrontery, [and] had the forwardness to attack a Bailiff in execution of his office to ensure a prest recruit to the Queen's Army in Flanders in 1706, 1707. While the Bailiff & Officer were at the prison doors for securing this recruit, this Conveener rescued the prisoner & maltreated the Bailiff and Officer by raising a mob of Fleshers & some others. This occasioned a prosecution against him and a great many yea the most part of poor tradesmen who knew nothing of the matter but noise and hearsay, which continued sometime before the Privy Council, to these poor people's expense and loss of time, but might have been prevented happily, if the Provost and Bailiffs had exerted courage and justice to punish such an insult and crime at home. But most of these Administrators were obliged to the criminal aggressor, when at some distance of time all was sopit.

The fourth publick building was the New Kirk, to the north-west of the Town, within some few ells northward of the Old Franciscan Convent. The fund for this was projected by the Administrators without consent & concurrence of the Heretors in this manner, *vizt.*—The Provost at the Rebellion 1715 thro' either a prideful simplicity or singularity, or hearkning to the advices of the Lieutenants-deputes, designed to

raise and regulate the Town and Country at that dangerous Rebellion, & the quartering & sustaining the Auxiliaries brought in (tho' honest Mr. Hepburn did more apparently good to the Government without expenses to the Town or Shires adjacent), without a thorough advice of his Council or calling the Heretors and Burgesses for their advice and concurrence. [So he] proposed to present a petition to the Parliament at Westminster to impose a two pennies excise on the pint of ale, thro' the Burgh for 19 years after the year 1717, under the specious pretence of building an Harbour and an Kirk, and paying the Town debt. He might have relieved himself of the stigma & odium which he brought on him if he had hearkened either to the advice of his friends or the Heretors, seeing the expense sustained by the Town's purse was not so heavy, many of the Inhabitants alimentering the country people cheerfully and gratuitously. But this must be done, and he went to the Convention of Burroughs in March, 1716, & he and they concurred to oppress several Burroughs, especially the poor Brewers, of which some of the Administrators had space to repent by the oppressions of the poor, imprecations of vengeance, &c.

This imposition was artfully contrived to be counted for and apply'd at the sight and advice of Queensberry, Marquis of Annandale, and some Country Heretors who got a share of the spoil, as if Dumfries Heretors were all interdicted of any injury, notwithstanding of an Act of King William's Parliament in Scotland, whereby all Heretors such as have been in the Magistracy have liberty to call all Administrators of Burroughs to account for mal-administration & management & improvement of the Town's Revenue; And [was] also contrived to make the Provost & Bailiffs judges in determining the quota and poindings, which was *sibi ipsis jus dicero*. But it is certain that the Administrators and some of their country friends connived to get a scandalous share of the spoil, which upon some threatnings was soon spued up again, so foolish selfish have they been to be so inconsiderately noosed

to their own shame, and exhausting the Town's Revenue. And all this confused and damaging work is by the Administrators not calling the consent and concurrence of the Heretors, who are the Heredes Burghi, but acting by 10 or 12 men of 21, as despots or lords of corporation.

Now this two pennies per pint came within 2 or 3 years to swell to five pennies per pint, which the Brewers finding gravaminous and injurious, complained by Suspension in 1719, and in the dependance one of the Clerks, for his own gain, advised (for their Clerks are their *oracula ex tripode*)<sup>45</sup> to raise a new process against the Brewers for about six pennies on the pint at random; and having premonished the Brewers to pay & the time of poinding came, the Brewers (being instigate by an old Prefect disoblged) did arise and excite a mob to attack the Administrators on the street on the 18th Aug., 1718, and did scandalously, yet to many deservedly, abuse and insult the Administrators, publicly invading and assaulting their persons and reputations *vizt.* [the] late P[rovosts] Craik, Crosby, C[or]bet, E[dg]ar, B[aillies] P[a]t[er]son, G[ilchri]st, and many others of the Council whose friends forced them to retire to their houses. Upon this the Administrators, being incensed, sent and consulted the King's Advocate and other lawyers, and as advised raised criminal summons against the 4th. part of the Inhabitants with the conclusion of pains of death on the guilty. But this ferment ceasing, the Brewers and they compounded; and because [of] this Mob, in which very few of the Brewers had a hand, they were all necessitate to submit to the additional excise, even as the King's gaudgers did for the principal liquid excise, whether four pennies or six, instead of two pennies, which occasions many frequently to conceal and embezzle to the common detriment of making the liquors unwholesome. It is to be observed as to this excise, that the Act of Parliament enacts, that the King's gaudgers give the Burgh a true comptrol of every Brewer's repeated makings of worts & ale, which might

be procured for a small composition yearly. But lightly come, lightly go. The Administrators, having Relatives which are collectors, supervisors & officers of the King's Excise, cared to take not only the comptrol from the Collector, but give him an additional salary of £15 or £16, to levy the two penny Excise & five & six pounds to his gaudgers, which Collector pays in the quarterly 2d Excise to the Town Clerk or Treas[urer]; if to the Town Clerk, he gets so much discount for his pains, who pays nothing for his office. But all this tends to exhaust the subject in an injurious and unconscionable manner. It may be more justly proposed that the gaudgers or supervisor of the Excise giving a comptrol to the Magistrates at every six weeks, their Clerk, paying no salary for his office, or Town Treasurer, must uplift the same in virtue of their offices gratis.

So this New Kirk was built, which cost the Burgh, as it is said, nigh two thousand pounds sterling; and it would be considered by the way that the very Act of Parliament which grants the twopenny excise for building this Kirk, carrieth a power to the Trustees therein named to appoint collectors by a writing under their hands, and as to the measure or gage, that the King's Gauge shall be esteemed by them as the rule which the collector is obliged to produce to the Town's collector; [and it] ought to have carried a clause that the Inhabitants may have seats therein without paying for them; yet all must pay for them. A general complaint from the Inhabitants, being a mob, is not to be considered, while the Administrators, being a faction of few men, act despotically as if they had the consent of the whole Town, Heretors & Burgesses.

To accelerate the building a Church as one of the causes of the two penny excise, while W[illiam] C[rai]k, of D[uchra]y was Provost in Anno 1721, a certain Heretor expostulated with a late Provost about delaying the building of a Kirk conform to the Act, which bears for building a Kirk and Harbour for Vessels; which Provost answered it ought

to be done, but where? to which it being answered, the old decaying Castle, gardens, and lands at the back thereof. This late Provost being one of the most pragmatick men of the administration, asked, how could it be done? who was answered if the Council had minded their Charter Chest, & inventor'd & preserved their evidences better, they might have taken advice and known easily, *vizt*, that at the Reformation & abolition of Popery, there was an Act of Annexation of all convents, monasteries, priories, collegiate kirks, and chappels to the Crown, and these within Royal Burghs to these Corporations; and [that] this Franciscan Convent, houses, gardens & lands belonged to the Town of Dumfries, and [were] given off for nothing, about the year 1569 or before, to the Lord Nithsdale (for £3,000 Scots, for which he gave bond to the Corporation), who demolished the same, took possession of all, and granted the above bond to the Town for a sham value, which the Administrators durst never ask, and built that House and gardens in 1572; That the then Administrators might have raised an Declarator against the present Lord Maxwell to retrieve the Castle, gardens & lands, as the Town of Liverpool had done after the Rebellion 1689 or 1690, by application to the Parliament of England, against the Lord Mulenox, another Popish family, who had seised the possession of the Castle, gardens and lands of Liverpool time out of mind, and which that Burgh recovered.<sup>46</sup>

This communing did animate this late Provost, who representing the matter to the Council impowered him in Novr. 1721 to consult the Town's lawyers about the proposition, and do what he should be advised for the best; who consulting them at Edinburgh received this answer,—that it might be as represented, yet the present family of Nithsdale having great friends might occasion much trouble and charges to the Corporation, and be frustrate in the plea for an appeal to the Parliament of Great Britain. And therefore advised the Burgh to transact immediately with Logan McDowall for 90 feet measure of



ground length and breadth, & for the stones and ground, instead, of the Old Castle and ruinous wall about it, & to build a Kirk (which purchase cost Eighty pounds Sterg.), & a room in the Kirk when built, of a large Seat for his family; he having built a house with part of the stones for his own family southward, adjoining to the Bowling Green; from whence was the Kirk built in annis 1724, 1725, & 1726, 1727.

From this New Kirk down the Frier's Vennel there is a little turn westward, not above twenty yards, to the entry of the Bridge of Dumfries, which hath nine arches, and had one more, which is built up between the houses built by James Ross dyer on the left hand, now belonging to the Crocket's, and the house of James Paterson, a brother of Kinharnicks, afterwards Walter Newal's on the right hand; In the street between these two tenements is the tenth arch built up under the causeway.

This Bridge<sup>47</sup> is said to be rebuilt by Dornadilla or Dornagilda, a spouse to John Baliol, elected King of Scotland, 1292, and daughter to Allan Earl of Galloway, and Margaret, eldest daughter of David Earl of Huntingtoun. And it is a handsome Bridge, with a port in the middle of the river Nith (which is the march between Nithsdale & Galloway), which had till within these sixty years great Valves or Gates, which the Administrators have laid aside as troublesome. There was a toll or custom exacted for passing it, due to the Minor Friars of the foresaid Convent, as gifted by the said Dornadilla to them. These, 'tis said, came after the Reformation from popery in the persons of some people of Maryholm, from whom the Administrators of Dumfries acquired right. This toll or Bridge tax hath been raised thro' emulation some years to near 3,000 Merks Scots, but is now very ambulatory, tho' roused yearly at Martinmas, and the takers have many times gone behindhand, for extortion of the country. This Bridge conveys by roads to several places through Nithsdale & Galloway, to Terregles, College of Lincluden, to Kirkcudbright, Wigton, & the road to Ireland, to Newabbey, and all the parishes

on this side Kirkcudbright in Galloway. As to which take the following verses written on them, with some observations on the country adjacent:—

In Nithsdale-shire towards the South there stands  
A Royal Burgh, which all that shire commands;  
Dumfries 'tis called, & very near the Town  
The river Nith in chrystal streams runs down.  
A pleasant Bridge that's built with arches nine,  
Of red free stone, as stretched with a line  
From Vennel Foot to Galloway it tends  
And divers roads thro' all that country sends.  
Near eight miles south, the mountain Criffel stands  
Well known and seen from several distant lands,  
And on the east Old Solway's force makes way,  
With swelling tides both in the night and day;  
And north-east, too, tho' distant from the town  
Queensberry stands with her adorning Crown;  
Yea, round about with many little hills  
This Town seems guarded from all threatening ills.  
And yet we find much of the country round  
Lyes uninclosed, uncultivate the ground,  
Which great defect doth from the owners flow,  
For Tenants by welltry'd esperience know  
(Their Tacks being short, as seldom long they be,  
Perhaps three years, or five, or three times three),  
If they should be at cost & pains to make  
Their land prove fertile & much labour take  
To bring the ground a better crop to bear,  
Their rents are rais'd, or they turn'd out next year.  
This to amend, let all attempt with speed  
Who have it in their power to give remead,  
May many join & all with one consent  
Obtain at length an Act of Parliament,  
That in North Britain all who set their lands  
Shall on stampt paper sign it with their hands;

That all their Tenants' Tacks or Leases bears  
The fixed term of one and twenty years ;  
That tenants may have time to try and make  
Improvements of their lands, for their own sake ;  
Let them enclose some aikers every year  
And plant such planting as the soil will bear ;  
Let Summar' Justice 'gainst the tenants be  
Quite laid aside, and let them courteously  
Pay all their rents. But if the Landlord find  
His tenant backward go, or come behind  
In his improvements, and no friends he have  
That will assist him or his credit save,  
Then let his tack be registrate with speed,  
And others take that will perform the deed.  
If some such method could be thought upon  
Much money might be saved, for much is gone  
Of late to other countries to procure  
Corn, wheat, & rye that did not long endure.  
But if our lands were all enclosed well  
And well manur'd, all that in Scotland dwell  
Would be sustained, and much would be in store  
For every year's produce, would produce more ;  
And then North Britain might lift up her head,  
And thankful be, when all her sons have bread.

---

There is an ancient great Tenement or Building called New-wark,<sup>48</sup> lying on the north-east of the Cross, which had vaults or cellars, four on the foreside & two in the backside, having four shops before, and dwellings & shops for Fleshers on the back parts, with many rooms & apartments, which are now all thrown down and demolished. The aera on the staircase of the front of this old building was 1583 or 1585, with the King of Scots Arms, & also some Families Arms, cut out

in stone. It hath certainly been a laborious building, but not clearly known who were the builders, unless some scraps of the old registers legible might discover it, which was done probably at the expense of the Government, or some great men; which building certainly of old ornamented the Town & street, tho' now it deforms the same, lying in a ruinous heap, yet pity it should not be repaired and possessed.

The pretender of title to this large tenement were Sarah & . . . . Romes, whose predecessors are scarcely remembered & known; and one Reynold Graham, a citizen of London, having a great debt upon the tenement apprizd it, and some of the Burrough Aikers belonging to it, [and] transferred his right about the year 1678 to Provost Graham, or his son, or oye, who have possessed it since the year 1689. And tho' the grandchildren of these Romes have within these thirty years past obtained a Decreet of Reduction & Declaration of their right, but being persons reduced to a low condition [they] have not been able to make their right effectual. So, as the Law goes in this Nation, MIGHT overcomes RIGHT, and he that hath the grip keeps it. Tho' by a Decreet Arbitral in February or March, 1693, pronounced by Adam Maxwell, merchant in Edinburgh, & Mr. Thos. Rome of Cluden, arbiters, Willm Grahame elder, son to old Provost Grahame, for himself, and taking burden on him for Wm. Graham his son, were decerned to dispoine and denude themselves of certain aikers of land in the territory of the Burgh, and of the said old great tenement named New-wark, in favour of the said Sarah Rome.

As to the Burgh's Revenue, it is derived from the Meal Mercat dues, customs of Bridge, & three Ports, duties of Weight-house & Trone, Two Milns, and a Snuff Miln, Miln-damhead (in tack for a low rent, but ought to be roup'd yearly from Candlemas to Candlemas), Deadman's Hurst & Scabbed Isle (which are said to be gifted in a long tack to some of the Administrators' relations) feus of Barkerland & Town's Common, King or Cummine Holm, Quarrie, Dock, Brewery,

formerly a Horsemiln, Greensands, Haughland or Brickland, Quarry over the water in Traquire, with the ground & grass thereupon, feus of lands & tenements, Seat Money in the two Kirks, Coffee house rents and shops under it, which is after accounted for, Mortcloaths money, &c.

The Town built the two Mills, Coffee house and shops,<sup>49</sup> and the Old Kirk they precipitously demolished with the old steeple thereof, which with a spire or cupola raised on it would have looked as well as what is constructed, being a large foundation; it being generally believed by the very members of the Council, that £150 Str. in timber & stone &c. would have repaired the Old Kirk or St. Michale's Work, to mend the pedestals of the pillars, make up part of the old roof, and put an spire on that large foundation of the old steeple, which has cost £1,050 Sterling. But the Administrators had their own views.

They have likewise built since the year 1741 a new School-house, making it into double & divided rooms on an old house which pertained to the heirs of one Thomas and James Lockharts, on the west of the entry to the New Kirk, whose windows and doors do suffer by the school boys continually frequenting the streets, throwing stones and breaking windows, &c. This building, with cellars founded upon springs of water, cost the Administrators over £600 sterling. To prove that this might have been spared wholly, the old Schoolhouse, which hath been the Town Schoolhouse for nigh 200 years in Chappelhill lay at a distance from the streets and diversion of the boys, capacious for all or more scholars than have been at that School for fifty years past, and the School-Mr. and Usher paying their own rents; The raising of the roof of this or putting on a new roof, being not above 36 feet, & raising the side walls 4 or 5 feet for a second storie, with two chimneys would have been sufficient for a School-Mr. & Usher. But the Administrators being buyers & sellers, & furnishing timber, iron, sclate, dales, lime, glass, & lead, it was reasonable they

should be preferred in the custom of these goods, and at their own prices, *et sic stat pro ratione voluntas*.<sup>50</sup> It brings to remembrance Barncleugh in 1686, 1687, & 1688 (saith mine Author) that he was sure to have a set in the Council (being said to be the King's Provost), who only asked what said the Provost, and then it was so.

This John Maxwell of Barncleugh,<sup>51</sup> descended of a Cadet of the house of Kirkconnel Maxwell, whose father or grandfather was a Bailie in Dumfries, and kept a tavern in Hairstanes or Lanerk's Close in the time when King James the 6th in his visit of the south of Scotland in anno 1617 passed thro' to England, (the tradition is that the King and Court dined at his house)—this Bailie or his son procured a wadset from Rome of Kirkpatrick Irongray of 5,000 merks on Barncleugh, and his son being bred to the letteren in Dumfries became Town Clerk at the Revolution, 1660, when Torries or Cavaliers mounted the saddle, & Whigs or Presbyterians were suppressed. He continued Clerk, having married the daughter of John Irving Provost in 1667 or 1668 (that he entered agent for the Earl of Nithsdale, by which he gained considerably, having been witness to very good penny-worths gotten of that estate, giving him a view of many charter chests of vassals, which turned also to his account) and then acted by a Depute till 1681 or 1682. And then on account of the Test Act, he plowed and pewthered with the then Administrators, who would not refuse him, to grant him by Act of Council, on his dismissal of his Office, when they knew he could not keep it, as not qualified by the Test, being a profest papist, five pounds str. yearly by any Town Clerk whom the Administrators might choice, induring his lifetime. But King James the 7th, having deeply consulted in 1686 to reduce Britain to the Church of Rome once more, did immediately on a sudden check the persecution in its greatest flame, and proclaimed Indulgence to all religions, that from them he might bring in the Popish Religion. Then the better to bring this about, the King & Court obliged all in public

trust, either to renounce their Offices & Stations or turn Papists; and immediately he, John Maxwell of Barncleuch, was by the King named Provost, John Irving (called Claret), his Brother-in-law, eldest Bailie, John Rome a Papist, & Martin Newal Bailifs, with Dean, Treasurer, & members of Council, some Papists or waiters, or people of little reputation, who were not to contradict him. But that faction smelling that imposing the Prince of Wales on the Nations, 10th June, 1688, was like to turn unsavoury to most thinking people, and that there was jealousy amongst those in the Government [and] that the Whigs or Protestants of Britain & Ireland were looking about for relief of the apparent catastrophe, and hoping for it suddenly, that Government gave Commission to the Army to disarm all sorts of persons in Town and countrys. And this Barncleugh, having a son-in-law, Colonel Ratray, a bloody Papist<sup>52</sup> (who had a hand in murdering the Protestants in France, after the repeal of the Edict of Nantz at Fountainbleau 1685), with his Regiment of Dragoons in & about the Town of Dumfries, did actually disarm all persons; and he, the Provost himself, did secretly convey away the Town's arms and amunition out of the vaults under the NewWark lest the Whigs should get them, and fortifie themselves against the schemes of the Government. But when King James fled over to France in December, 1683, when our Noble & Glorious Deliverer was come, the arms and amunition was by a false knave named David Akenhead, his Burrow Officer, discovered in the vaults or charnel burial places of the Collegiate Kirk of Lincluden, consigned to the protection of some Saints there, who were not strong enough to preserve it, & in a dark night, with a lanthorn, with a great tumult, brought all back to Dumfries. Yet our tepid Administrators had the zeal to continue this knave D. A. till he died, in their service.

It was reported in June or July, 1688, that Barncleugh had a patent to be a Senator of the College of Justice or Court of Session at Edinburgh, if that Government had not been overthrown in the Divine Providence. "Oh, that men would

praise the Lord for his goodness," &c., Psalm 107, 137, 7-8-9.\* There is no doubt for the form of Municipal Law, he was qualified by a long practice, & a long head, & subdolous wit; And he did several acts of good service to the public, to ingratiate the people to depend on him. And he began the causewaying the public streets which were brot above the Cross in the beginning of 1689, built the Horse Miln, now a Kiln & Brewerie since that time, and allowed an idle Deacon a merk daily for near a year to oversee the work, he being a Skinner, but it was supposed to be divided between the Provost and the Greeve; And it was said that he procured King James' own Suspension of Sheriff Alexander's fines for not hearing, marrying and baptising with the Curates of the Episcopal Church, which was to a great extent and good service, if there had not been a door opened in Providence to prevent such oppressions. But it is observed in this case, that the same hand who gave the wound healed it. It is to be observed that our tepid Administrators never enquired into Barncleugh's possession of £5 str. yearly, as being virtually Town Clerk during life, but connived at the Clerk's paying him yearly, till W. C[opla]nd of C[olli]ston about the year 1708, being Provost, arrested this Barncleugh's share of his Darien advance, which was to be drawn out of the Equivalent of losses and damages to the contributors allowed by England to Scotland at the Union, in order, as he then said, to make him refund the yearly sallaries of five pounds str. from the Clerks. But he & he agreed, & he procured a Renunciation. These were all consented or connived at by the Council, and found to be good services, as the Provost reported without further enquiry.

It is amongst the most seeming incompatible transactions of Time, to see and consider honest people gathered together & endeavouring by reciprocal help and friendship to earn livelihoods in a civil society and corporate body. And for better regulation of such, to name some more grave wise men

\* Psalm cvii., v. 31.



amongst them, to enjoy the names & dignity and preference alternately above the rest of that body, which implies an engagement of mutual fealtie in both active and passive stations, and while they actually give their oaths *De fideli administratione*, which had occasioned in process of time an Act of Parliament for their Warrant (but more of this afterwards). To consider I say such persons advanced, thro' the sense of their elevation, to impose on the collective & corporate constituents, such taxes & burdens as tend (they say) to augment the Revenue, pay the Town's Debts, and clear yearly the Magistrates, Ministers, & other Officers their Sallaries, & Town's daily debursements, which the people cannot bear, being a place of little trade, in a poor and barren country about & a load of Public Taxes, without examining,

1mo.—How their predecessors contracted.

2do.—The necessity of the augmentation of the Revenue.

3tio.—The not equal and just managing the Town's property.

4to.—The necessity of these Offices & adding Sallaries to them, to oppress their fellow creatures and neighbours and keep them under.

5to.—How have the said impositions been apply'd.

All which, if rightly discovered, might in all ages, but especially since the accession of Glorious King William, make many of the Administrators and their successors ashamed and confounded, when some of the prime Managers in a true peculate and criminal manner have raised themselves to great riches, which is seen eventually to decay and vanish in many of them. It is said by tradition, that P[rovost] G[raha]me was the first who proposed poor day-labourers to pay Stent monthly—others such and such feus—others that when by fire and ruin houses were demolished, to afflict the poor Heretors the heavier, to declare them not to be

repaired unless slate roofs were made,<sup>53</sup> and so to lose them, or run the poor Heretor in debt, when the mean subject could not bear it. Let their contrivances and design in these be comfortable to them, that they have done so good and political services. But to what end? To get the Counsellors materials of timber, dales, iron, schlate, lime, glass, &c., bought to the reparations. And their posterity approve of what they have enacted, to the ruin of many of the constituent body.

And the Provost above-named, *vizt.* J. M[axwe]ll contrived to get from his Council as King's Provost in 1686 to give him 500 merks of salary, with several Tierces of French wines; others contrived unnecessary buildings, to exhaust the Revenues to get a name; others, being wine merchants, to take in hogsheads of wine to drink at anniversary solemnities, and making of Gratis Burgesses for the benefit of the Clerk's, their friends & relations, at half-a-crown per ticket, the Town Treasurer furnishing parchment and fine ribbons, notwithstanding the Acts of Council reducing Clerks dues of writing half-a-dozen lines on the Town's parchment at a shilling per ticket, which they can easily rescind, saying it is in the power of the makers to unmake Acts, &c. And it is averred for a truth, that a certain Provost and his Bailiffs spent about £14 or £15 Str. in complimenting the Officers of an English Regiment in the place with Burges Tickets, beside the Clerks dues, where separatly or together wine to the value of ten or fifteen shillings was too much. Others of the Administrators, when the first Steeple was a-building, thought it was a gross mistake to let such a sum as 25,000 merks be paid for that building if they got not a rug for it as it passed. Agreeably the prime Magistrate got very often compliments; and a Bailiff & a Convener in the Council having helped to get a mason the benefit of the Town's Quarry for digging stones to that fabric, without a tack duty, the Town furnishing powder to blow up the rocks, iron for cra-irons, picks & mat-tocks, and great mells & wedges of iron, &c., this prime Magistrate the Bailiff & Conveener were partners in about

2,000 merks for the price of the stones, which was paid out of the fund by the Undertaker, whom as they falsely helped to get the composition, so got a rug of it in spite of their oaths *de fideli*. Faithful Counsellors! There was other two great Heretors, who grieved to see such a sum carried away on such a building, threatened (as being on some Committees for inspection into the affairs thereof), they would accurately examine and treat the Undertaker, who was obliged to appease their choler with compliments of firdales, timber, and other things, and which he said with tears, that if he lived to return would openly disclose all; but the discovery was prevented because he died.

The Town's Revenues are as follows, *vizt.*<sup>54</sup>

. . . . .

The Sallaries are, to the Provost yearly 100 merks; to each of three Bailiffs £ 3/6/8 Str. To the Dean £ 3/6/8, or a Burges Composition with perquisites in the Mercats, & in Town bargains of herrings, meal, &c., offered to sale in the Town, and is really an oppression to discourage rather than to encourage in time of scarcity. To the Treasurer a Burgess's Composition, besides what he gains as factor for the Town in buying and selling goods for the public, &, which most years surmount that, twice or more. The five Burrough Officers or Town Sergeants had each of them till of late years 20 merks, a new coat, & hat the 1st of May yearly, all which in money and cloaths would extend to 200 merks, or £ 11/2/2½ Ster., besides perquisites in Summoning to Courts and New Year gifts, which equals them with the Provost's salary. It is said the Administrators have advanced the Burrough Officers sallaries to above the double, and that their cloaths are better than many of the military sergeants were before the Revolution. This makes Solomon's proverb good, when riches

increase they increase who eat them, and they were ever free of fruit who never had an orchard. These advances tend to ruin many families in the place, who are neither able to pay to the Town's Excise nor the King's, nor their proportions of Stent for their poor occupations, as Taylor's, Weavers, Shoemakers whose plenishing and utensils are poynded & distrained every six weeks, and for ought I know, says mine Author, sold at half value, which ought to open the eyes of the Administrators & faction to consider the oppression of the poor who want bread. There was once an offer or overture by a well designing honest Provost when he was elected (C[ros]by), that if the Bailiffs would with him, he would renounce the Provost's salary due to him and service gratis; but he was so browbeat by those in the Council who had enjoy'd the salary for many years, that he was afterwards, *Consonans muta, non vocalis*.<sup>55</sup> It is said that within these 35 years past, the Administrators recommended some of their poor friends to be Greeves or Overseers to the Town's work<sup>56</sup> which was formerly attended by one of the Bailifs in their turns and Dean & Treasurer, but now to a great salary yearly, and one as a street cleanser named scavenger who gets the Compost &

for a Salary. But the Administrators being all unexperienced & abandoning former managements, will do what they incline, and Counsellors will not resist the Magistrates, whereas if former reasonable orders were observed, serious orders by their authority would be obey'd *vizt.* that all persons, when the streets are made nasty by the Inhabitants bringing in hay, peats, or other things about their possessions and taking out dunghills & rubbish, be ordered to sweep and carry off the said rubbish & dung and make the streets clean opposite their possessions, and carry them to the places of their compost; which I have seen done, says mine Author, while one of the Bailifs was upbraided by a foul mouthed husife, and she escaped without punishment, he wanting courage and authority to inflict it, naming him publickly a scavenger.

The Dean's Officer hath of salary yearly . . . . . The Schoolmasters & Teacher of an English School gets yearly . . . . . the two Ministers get to the value of £200 Str. between them in money and possessions yearly.

N.B.—The Election of Magistrates being by 15 or 20 Persons of neither prudence, substance nor reputation, are vilepended.

The Administrators in 1721 on some prudent person's overture sunk four wells<sup>57</sup> on the street in very convenient places for the benefit of the Inhabitants and especially in the times of fire, they having water engines which are most serviceable. But the wells being kept running for some two or three years were deserted without cause, unless by children or unskilful persons working or marring the pumps. But in this there was likewise an error and defect in their management, in not binding their Goaler (who pays nothing for his office) to attend with the Burrough Officers who are idle enough and work to other persons daily for wages, to see that the school-boys and children be restrained from marring the pumps and throwing stones at the windows of Kirks & Schoolhouses & Inhabitants houses about the streets, and that by a Bank once a month, the wells ought to be locked up from eleven of the clock to four in the afternoon, and then lockt up by the Goalers. And that no Dyers or Brewers take water out of these wells under a penaltie.

The Town got an Act for a Meal Mercat from the Scots Parliament Anno 1664, which is held on Wednesdays and ffridays, declared to be the Mercat days of the Burgh by an old Act of Parliament since the Reformation; And they have Acts for three fairs or great Annual Mercats vizt. Candlemass, Roodsmass, & an intervenient one called Midsummer.<sup>58</sup> The first on the 2d Wedny of Feby, the Midsummer on the first Wedny of July and the Roodfair on the 1st Wedny after the 13th of Septemr., which frequently proves foul & discouraging weather.

In one of these Fairs supposed to be the Roodsmass, the Sheriff Depute of the Shire (Town Clerk L[anric]k having procured it himself, as is aftermentioned) by some connivance with the mean spirited administrators, got into a pretence of lifting a toll called Sheriffs Gloves,<sup>60</sup> or now an additional custom at the Bridge Port of Dumfries, which the Provost on the occasion aftermentioned consulted the King's Advocate S.I.S.<sup>60</sup> the most accurate lawyer & politician that ever was in Scotland, who answered it was an false imposition on the Town, of which they ought to resist or vindicate an immunity; But it is never done, and the Inhabitants suffer thro' the restraint of meal & vivers which come not in by reason of such additional customs. And tho' the Administrators have served the D[uke] of Q[ueensberry], whose depute exacts this imposition, and might have obtained from him a discharge of it, and an renunciation of his accumulative jurisdiction on the place as Sheriff, and also the Commissariat within to Town's priviledges, for more than equivalents to him, yet private interest & reputation is more acceptable, and let the publick stand by itself: *Non honor est hic- volvenda dies, en altrebit ultra*,<sup>61</sup> which hath occurred, first by abolishing all heretable Jurisdictions now in the hands of the Crown; whereby all Sheriff Gloves &c. are suppressed and not exactable, by the King's Deputy or Substitute, who have salaries off the Government, if the Administrators had courage to advert it.

In Anno 1704 the faction prevalent in the Council elected mercenarily a Writer (this F.L.) to be Town Clerk,<sup>62</sup> against which choice they were warned in a printed letter, because of his fraudulent purposes against the properties of ye Inhabitants and keeping the Town's records to serve his purposes. In which case they gave the wolf the wedder to keep, which proved eventually true. The printed paper abovementioned I shall here insert verbatim which is as follows.

[As Edgar definitely states that this pamphlet has been printed, it is omitted here. The curious will find it in Appendix C. No copy of the pamphlet seems to have survived.]

But notwithstanding of this warning, the Administrators gave way for this man's admission to the Clerkship, as they did afterwards for his acceptance of a Substitution from the Sheriff Depute of the Shire, as before noticed. And he their servant became their master (because they would not put on their spectacles to see) & hufft them publicly saying he was Sheriff & so above them; the Administrators being divided, and the imposing servant having the major part of the Council on his side, were forced to succumb, & so this Hector behaved till the year after the Union, when Justice Aires were revived, of which he had good reason to be afraid, having past many unjust sentences for money, both as Town Clerk & Sheriff Substitute & so demitted. His strenuous friends in his defence, & who elected him (tho' he injured the best of them in their honour & purse), were P[rovo]st C[ros]by<sup>62a</sup> B. G[ilchri]st, B. E[war]t, B. C[orr]ie, B. P[ater]son, A. B[el]l, J. B[isho]p. B. K[enna]n, but above all the amphibious Provost, who gave the casting vote for a five guinea piece, which for his friends sake H—m he durst not refuse.

As to private buildings, & buildings in general, which is more dear & extended than any Burgh in Scotland, & yet least encouraged by the Administrators for many reasons; as

1mo.—They at the Town's Quarry, which had been committed to favourite Masons to be wrought for the common benefit gratis, the Town furnishing gun powder to blow up the rocks, & iron for mells, wedges &c. in the quarrying stones *vizt.* the rough stone cart draught 3d, the cart draught 4d & the hewn stone so much per foot till the year 1726 or thereby, without paying of any, or a small tack duty, to some Masons for working it, while the Town's purse furnished gunpowder, lead, iron &c for the utensils as above;<sup>63</sup> & yet they imposed so much on every continued foot of stone preceding 1732 or 1733, and fourpence for every cart draught a far off for wall stones, & threepence a draught for the stones themselves. Now considering the distance from the Town, and that the Quarry

belongs to the Town, & that they were got as cheap as 3d from Netherwood, & nigher to the Town, twopence might be enough for common wall stones.

2do.—When the Administrators afterwards set a tack of the Town's Quarry, they made as it were a visible monopoly of it, in so far as it is known by experience, that these tacksmen in emulation of others who are employed in buildings, both delayed carters in giving them stones, on some pretences, & when they were served it was with the worst, and sometimes refused to give any.

3tio.—It is known by the ratification made by King James 6th of the Town's Charter of Erection, it bears all the privileges of Guildery, Dean of Guild & other benefits of the Town of Edinburgh, yet they delayed still to bring the same into practice, yea, in establishing the Dean of Guild his Court with respect to buildings.<sup>64</sup> Whereas the Dean as Aedilis is only to be concerned in the surveying & judging by an inquest of fifteen sworn neighbours & Heretors after prayers, of the conditions & controversies of contiguous tenements & also of building and repairing by . . . & warrant, this last they admit by a Petition, & Act extracted upon before the Cognition; and then follows another Act at dear expense to the petitioner, to the Clerk, who may notwithstanding suffer heavily in loss of his property, because say they, this is the old custom, to cognosce & decide by the Council, where first Deacons of Masons & Wrights sit, who are sure to contrive work for themselves or partners; & the Magistrates or Counsellors being Merchants in selling dales, timber, lime, iron, lead, glass &c. to the builders, whoever were the buyers from the Administrators on the one side had a right judge for him, and who bought of another of them, as he had money, so he espoused that other party. So after jarring & pleading in write, the matter was determined by the Council, how detrimental soever to one of them. So it is a partial judgment by these who may loss or gain in the matter, to the great grief



and loss of many poor Heretors & liferenters who were not able to suspend &c. and so have been deprived of bread, & have lost great part of their grounds & yeards, & had servitudes imposed or taken away *ad arbitrium*. This is a grievance which ought to be redressed.

4to.—The Administrators take no way to encourage builders or indwellers, by reason that their English lime being dear, (tho' brought by sea). They might contract with the Heretors of Terrery, Ladyland or Preston, on the outrunning of the river in the Parish of Kirkbean, Galloway, or with Sir Thos. Kirkpatrick of Closeburn, for each tun of limestone to be brought to Dumfries, & to be burnt in any of the old decayed barnsteads, id est, Townhead, Barnraws or Sandbeds, which would yield the Inhabitants lime cheaper & encourage them in building.

5to.—The Act of Parliament statutes, that all Mechanicks, as Wrights, Masons, Sclaters & Plaisterers shall work by days wages which for a long time they have refused,<sup>65</sup> till now the increase of them obliges them to comply for a time.

## [CHAP. 3rd.]

THE COURTS OF JUDICATURE kept in this Town as the head Burgh of the Shire *vizt.* Justices of the Peace, since the Union, Sheriff, Commissary & Town Courts, which last was of old till about the year 1720 held by the Provost & Baillies, who truly were not sufficient sometimes for an equal judgment of the pleas *inter concives*. But there being two Clerks from 1716 to 1738 they thought one might be Judge & the other dictate to his 'prentices, which was done; and the Provost sits not, but the Baillies & their Clerks. And so they increased the number of 'prentices to the Clerks lucre, & to the exaction of double & triple dues of writing, which occasioned a rural Bailie to say, "A staff might be a Bailie now, seeing the Clerks are lawyers." But as he little understood, having no learning, so he knew not that the Clerks wrought to pass a Decreet that they might get the dues to themselves, and throw or cast the iniquity or odium committed by the Clerks on them who do & sign as the Clerk advises. But if they knew & had a love to Justice, they would take more care of the poor, & advise with some skillful and disinterested Procurators or Clerks, or choose them as Assessors publicly or privately for a small fee, to exoner their own consciences.

The dues for sentence by C[olli]ston's Act<sup>66</sup> in 1704 was a penny per pound Scots to forty pounds, allowing three pence per pound in the expences of plea; And for Sums above £40 compounded cheaper (here take in the Act of Council 1704). But this three pence per £ to the creditor or pursuer is not the half what the prosecutor of the

action deburses, when he is put to poindings, apprizings & actions of forth-comings; And therefore in all justice as in conventional obligations, the 5th part of the sum is little enough for their cost & charges.

In this Town the common Clerk is elected by a faction, who get & continue themselves in the Council, as being generally relations confederate; And the Heretors & the Town's Records are committed to him. And he ought to be elected by the common suffrage of Heretors & Burgesses, according to the verse—*Clericus est clero qui fuerit communitalis-corpore dilectus*.<sup>67</sup> Now he pays no salary, exacts of every purchasing Heretor for a bounding seasin four pounds scots, besides parchment stamp, & his servants writing & booking; And for all Acts & Decrees about tenements & mosses, what he pleases, seeing the Administrators quarrel him not. And thus the Clerks (sometimes two) except when the relations of one in the Council prevails, draw in many 'prentices to enrich themselves, & there exacting treble dues of the Inhabitants, which may be proven beyond the dues of the Court of Session at Edinr, and yet keeping no Books of Records, turn rich by the spoils of the poor Inhabitants. Thus the Inhabitants are brought under a new yoke & heavier than their predecessors did bear. But doth this fall under the consideration of the Provost & Bailies? No they do not know & are easily driven from thought of it, because they know neither letters, nor have they courage or inclination to disobey the Clerk & his faction, who may vote them on or off the Council.

And the Clerk's election is only during pleasure, the election of whom if it were largely expatiate would prove a matter of comedy, to see how the Administrators act for their friends, to the prejudice of the poor Burghers & Town's revenue. For the Clerk as is said pays no salary to the Town, which might, with Caution found for him to be a fit person to uplift the Town's supply, landtax & stent, feus & 2 penny excise, save the Town, in order to pay the debt thereof, forty or

fifty pounds yearly. But so long as it is in this form and the Administrators pay him yearly (besides his perquisites by Council, Registers, Courts & Seisins) 36 or £40 for the Town's affairs, he only gains of the Town Council &c. about £100 *communibus annis*; so the Town's revenue would be increased above £30, which would tend to relieve the Town's debt proportionally yearly.

The Sett of the Town is the Provost, three Bailies, Dean & Treasurer, with 14 merchant Counsellors, seven Deacons of Crafts as it hath been since 1623. About 140 years ago, when the Inhabitants were not half the number they are now, it appears by the old Records that the representatives of the Mechanics or Craftsmen were more in number in the Council, than after that year *vizt.* Bonnet makers, Malsters, & Wachters; but a plea arising between the Magistrates & Council, and the Heretors & trading people in the place, who saw themselves neglected & people unworthy in favour preferred, did resent the same *vizt.* Francis Irving, Geo. Sharp, Wm. Carlyle, George Rome, John Maxwell, John Rome, Homer Maxwell, James McGowan, James Walls, Roger Kirkpatrick, George Rig, Gilbt McWhan and others.

In September & October 1622 Mr. John Corsan of Barndannoch, late provost, & his son & his relations in Town, being then the most daring people, endeavoured to get all the offices of the Town into their hands thro' pride, to oppress their neighbours & rule as they pleased *ad arbitrium*.<sup>68</sup> So it was that at or before the time of election of Provost & Bailies, a number of the Inhabitants being trading men, foreseeing that the election of new Counsellors & of Magistrates would be carried contrary to the common good, the above named persons & others, gentlemen, traders & burden bearers, obtained a letter from King James the 6th. directed to the then Magistrates commanding good & decent order in their election; which being read, & a protest taken thereon, the said Mr. John Corsan with his partisans said & lead publicly (in mock & disdain) that party [to] wipe their arses with the King's

letter ; and so they proceeded to choice such persons as they pleased, & the said Mr. John Corsan's son was elected provost, tho' the father was to be the oracle & ruler. These Complainers suffered so far, but combined with more honest residenters, & consulted lawyers, and intended a process before the Privy Council of Scotland in Jany 1623 with concurrence of the King's Advocate, complaining of the Magistrates, of that election, & the contemptuous treatment of the King's letter & authority: And because the Magistrates & Council perpetuated themselves in such offices, were not meet to be chosen, in their wanting these requisite qualifications, which by law, Magistrates & Council of Royal Burghs, should have. And the matters being debated & probation adduced, the Privy Council pronounced sentence the 23rd Jany. 1623 nulling & voiding that election ; and ordained the persons who were of the Council the year preceding, to make choice of a new Council for the year 1623, comprehending therein the ordinary Deacons of Crafts ; And the new Council being chosen, that the old & new Council together elect discreet & famous men to be Provost & Bailies, Dean & Treasurer, and that between [then] & the 11th February then next to come ; & amerced & fined Mr. John Corsan & his son in a thousand pounds scots, and imprisoned them in the Tolbooth of Edinburgh therefore & for contempt of the King's letter & authority, which without doubt they payed & more for their oppression & pride &c. According to & in compliance with this sentence, the preceding Council elected Roger Kirkpatrick of Carse, brother of the Right Hon. the Laird & Baronet of Closeburn, Provost, Francis Irving, Geo. Rig, Gilbt McWhan, Bailies, Wm Carlyle brother to th Laird of Boytath (a cadet of the Lord Torthorwald & Carlyle's family)<sup>60</sup> Dean, & a Treasurer.

But the Corporation of Crafts having before this time been imposed on & neglected in their priviledges in the Council, occasioned them from ye year 1569 to join in bonds of mutual support, concourse & defence, which bonds they have on parchment. And

as they struggled against the impositions & restrictions made on their liberties, of which with the help of their exactions on Revenues they were always ready to join in raise & oppose tumultuary insults, so the same necessitate[d] the Magistrates & Merchant Council to enter into submission with them concerning the quota of their Deacons they would have into their Council, they being formerly as is reported nine or ten Deacons of their respective Corporations *vizt.* Smiths, Wrights, Weavers, Glovers, Taylors, Shoemakers, Fleshers, Waulkers, & Maltsters,<sup>70</sup> tho' 'tis questioned if some of them had warrants from the Council for Incorporation.<sup>70a</sup> The Arbiters were John Geddes & Wm Carlyle for the Merchants (this Geddes was 'tis thought aparent heir of Barnbaughle in Lochrutton),<sup>71</sup> and James Newall & Mr. John Maxwell for the Crafts, and Sir Willm Maxwell of Gribton oversman, chosen by both parties, concerning the number of Deacons of Crafts should be on the election of Magistrates & persons of Council. And they pronounced a Decreet Arbitral to the effect following; By ordaining the Magistrates, Council & Deacons of Crafts & whole body of the Inhabitants, Heretors, Merchants & Craftsmen to meet & consider the premisses, and having met the 18th. March 1623 they decreed that in all time thereafter, the constant Council should consist of two Merchants & one Craftsman, the Merchants to have two votes, & the Craftsmen one vote for the Merchants two votes, & the other Deacons neglected; and so it stands as a Set.<sup>72</sup> And in anno 1709 a Copy was sent out to the Royal Burroughs, as the Set or established Council of the Town of Dumfries.

The Maltmen & Waukers decayed, the former because their kilns had been burnt in anno 1613. The Waulkers turning poor retired to the Water of Cluden on both sides, Irongray & Holywood, yet elected still a Deacon in Dumfries, about the middle of September, and he came in & had a vote of the election of Conveenor until the year 1735.<sup>73</sup> That [year] two fashious & turbulent bludes (      &      ) competing for that station, & finding the Waulkers vote to make

a party, they agreed in Sept<sup>r</sup> 1735 to discard the Waulkers from any further election & vote ; And they being pusilanimous & poor people, unable to vindicate their custom, proceeded no further but submitted. Now the Inhabitants being increased to double the number in 1623 it is most fit that Surgeons, Dyers & Barbers were incorporate, & six more added to the Merchant Council.

The Town used to send a Commissioner to the Scots Parliament<sup>74</sup> & a Commissioner to the Annual Meeting of the Burroughs in July<sup>75</sup> and before the year 1698 [it] was attended by one person who got six shillings & eight pence per day for expenses at the Burrough's Meeting, & 14d pence to his servant, and the like to a Commissioner of the Parliament & 14d to his servant. But about that time a Provost R.I., having a partner J. R., having their own private affairs at Edinburgh & Tiviotdale, desired (and they had it a species of peculate) an associate or assessor joined with him alleging the custom of some Burroughs in the north whose Provosts were either ignorant or valetudinary [and] brought an assessor. So a custom is kept to exhaust the Town's Revenue.

The Election of the Magistrates is certainly the work of a club or juncto of partners & relations to keep up a faction to perpetuate the Magistracy in their persons & generations in Dumfries. For when a man is Provost two years, he knows to what hand to devolve it for other two, and so successively. And it is known that the sons & sons-in-law of Magistrates for a century past have been kept in the Council & Magistracy, whether worthy or being fit for it or not ; & because such agree together, *Hodie mihi, cras tibi* ; & *Manus manum fricat* ;<sup>76</sup> & non[e] dare to call them to an account as above in 1623.

But C[olli]ston, as he understood law & was cautious in the public management in all matters concerning the common Revenue & good of the Town, would do nothing without calling the Heretors & Burgesses, which their Clerks afterwards dissuaded them from ; Therefore the rule of justice &

law is visibly slighted. For when four new Counsellors are elected one year, four of that Council are to be dismissed, & these four next year to be also dismissed, and none to be again elected for five or six years then following by the Scotch Law of Parliament & the Lords Decissions interpreting that Law. And so the offices are continued in the families of Provosts and friends, while wealthy Burghers & Heretors are discouraged, and the offices & stations go not round the Corporation to instruct the succeeding & rising generation; & ought not this to be redressed, that offices may circulate, or else what do your freedoms avail you? 12 Job. And so these Administrators are the oracles, and the wisdom & policy & Revenue will die with them. And this treatment hath caused a great many of our countrymen to settle in Glasgow & other Towns, as Coulters, Robisons, Walls, Shortrigs, Ramsays, Charters, Wallaces, Gillespies &c., where they are well received & preferred to the best offices.

King James's last Provost aforementioned, as he thought to introduce by the Popish design the antichristian idolatry again, so intended by his authority to embellish & ornament the Town of Dumfries where he first drew his breath by new buildings, & being seen in the Acts of the Scots Parliament (a system of munk & incoherent Statutes or designs most become desuetude) *viz.* the [36th] act of King James the 6th. his [14th] Parliament, so as Provost he issued out a precept of warning against all proprietors, pretenders & possessors of any waste or decayed buildings in the Burgh, to build the same (if laid ruinous 3 years) to build up & repair the same within [a] year & [a] day;<sup>77</sup> Otherways the Administrators would pass a Declarator thereon, and dispoine them to any person or persons who would purchase the same.

As this tended to embellish the Street in the views of their schemes & designs of Government, so it tended greatly to weaken and grieve & depauperate many widows, pupils & liferenters. And it is observed wherever this Act was seriously urged *vizt.* 1688 & 1715, there followed several



instances of particular calamities to the Prime Administrators of the Council, & loss & oppression to the poor people, and a general catastrophe to the whole nation. And when many people were forced to build on the forestreet, some having relations (*sanguine aut pecunia*, the blood of the Republic) were permitted to build out & mar the streets,—as one Ninian Creighton, Logan McDowall, Robert Gibson, James Stewart & D. Gibson in the Transway to the flesh market, John Mitchell wright in the Frier's Vennel, & John Mitchelson & John McKill on both sides of the Frier's Vennel, which hath straitned these streets, & all in a mercenary manner. *Munera, mihi credo, placeant Hominesque, Deosque.*<sup>78</sup> This lets into a view of the diligence & care of the Administrators.

The names of the Administrators for about 200 years past cannot be strictly known in succession, because the Town's Clerks being rather above than under the Administrators, they & their servants, who are sometimes eight in number & above, have not any regard or care enjoined them to preserve the Town's old Records, which as they have been written of old, now almost illegible by many of this generation, yet some might have been found to have read them; or else (says mine Author) how could scores of Acts of the Town Council have been copied out of them, to preserve the Old Kirk, which was as above purposed to be divided by the Country Heretors abovenamed; But the Clerks servants from 1704 destroyed them as useless & illegible.

The Cunninghams<sup>79</sup> have been among the first Magistrates, and as Sheriffs, Commissarys & Clerks. The McKinnells & McKinnons come of an Highland Clan, who have come of some Priests or Friars under the Templars in Auchenchreath & Bruntskerth, have been Bailies.<sup>80</sup> Then the Corsans,<sup>81</sup> then Irvings from Red Kirk,<sup>82</sup> then McBriars of Almagill or Netherwood,<sup>83</sup> then Cunninghams, then Kirkpatrick, then McBurny,<sup>84</sup> then Williamson, then Johnston, then Graham, then Irvings, which after the Rebellion 1660 as being of the Cavalier faction & opposite to Presbytery, who

perpetuate themselves brothers & relations to 1677 when a strong faction encountered them & turned them out. Then Craiks; David Bishop who is said to have lost his life in pursuit of a debtor who broke prison, about the water of Kinnel; Then Copland, and after the Test the Marquis of Drumlanrig; Then the King's Provost Barncleugh who (if he had not been a Papist) had a sour melancholie command & authority to conciliate reverence & regard, and to ingratiate the people, proceeded in appearance of strict justice, more & beyond many of his Predecessors, & exercised alone in all Courts dictating to Clerks &c.

All these Magistrates or Administrators revolved their offices from year to year (when wearied with them) upon their friends, & then resumed as they thought fit to perpetuate their faction. Then Craik again in 1689. But here must come in a paradigm as to his Election *vizt.*

The Town of Dumfries & all the Country about wishing well unto it, having sad experience of the weight of arbitrary power, now surprizingly sinking, thought on the new & best way of Election of Administrators *vizt.*—By Pole of the Heretors & Burgesses residing, which they did without regard to the former nomination. And some of these joined with them out of fear (their Provost, a Papist, being in the prison since the 11th December preceding) and having enrolled all the residing Heretors & Burgesses, by production of their evidences, who when they met, the Sheriff Depute being present, by plurality of votes elected James Kennan, who had been an old Cromwelian, Bailly and also elected him Commissioner to the National Convention of States invited by the then Prince of Orange to sit at Edinburgh sometime thereafter. But he being afflicted with the gout, the prime Heretors contrived to have him secluded from the exercise of the office by writing to the old Duke of Hamilton who was President of the Privy Council, who upon the account of Baillie Kennan's affliction with the gout, allowed them to choose another fit person to be Provost for a year, in their old

way, which they did by a Council composed of Merchants & Trades, whom that party thought fit; And by plurality elected William Craik of Arbigland, Provost. But the said James Kennan was not removed from his being Member of, or Commissioner to Parliament until he died in 1695. William Craik behaved becoming himself in his station, in a troublesome time, & had indignities put upon him for standing up for the good of the Community, yet still was for the public good more than many of his predecessors or successors. He dyed in 1696.

The Revenue of the Burgh is ambulatory, especially as there is a good cropt, & Mercats of black cattle driven out of Galloway into England, encouraging people to offer at the Roup of the Town's Common Goods, as it extends as before mentioned. The Provost who most improved it was C[olli]ston, who hath left an account of his management from Michaelmass 1702 to Michaels 1708 which is as follows—

ACCOMPT of debts paid by Colistoun for the  
Town of Dumfries from Michaelmas 1702 to Michs  
1704.—

	Merks.
TO ARBIGLAND of principal & annual rent which was owing to his Father per Bond	3700 0 0
To J. Irvine Lady Terraughty of principal & annual rent conform to Bond ... ..	3300 0 0
To B. Ewart £1900 princ. & £18 Str. of annual rent owing by Bond ... ..	3174 0 0
Mrs. R's principal ... ..	2600 0 0
To Mrs. Reid relict of B. Reid of bygone annual rents £36 str. ... ..	0653 0 0
To Janet Reul daughter of J.B.C. of principal & annual rents p. Bond ... ..	3080 0 0
To 41 firelocks at £9 per piece... ..	0554 0 0
To Lochaber axes, partisans (or halberts) & drums ... ..	0150 0 0

Merks.

To a part of the expense of bridging Lochermoss	...	...	...	...	...	0400	0	0
To Sir David Cunningham in full of several years salaries accepted by him & discharged						0200	0	0
To Mr. Wm. Veitch 50 Merk of bygone annual rent of the principal sum of £20 Str. which I would have paid him, but he could not uplift it without the Presbytery's consent						0050	0	0
To Dean Johnston the balance of his Treasurer Accompts	...	...	...	...	...	0600	0	0
To 2 years rent of Mr. Robt. Patersun's house at £12 Str.	...	...	...	...	...	0216	0	0
And this beside the ordinary salaries & spendings on the Town's affairs which in one of these years was only about £10 Sterling—								

1. Nota. I assert that the Town's revenue the said 2 years at my first entry was only £3000.

2. At Michaelmas 1704 when Provost Rome succeeded me in the office of Provost, the Town's debt was only about 3000 Merks due to Baillie Reed's children & Mr. Veitch as above, & the oldest debt of £600 Sterg. by Dr. Johnston's Mortification, which the Town borrowed in 1649 for compleating their outreik at the Duke's Levie, for which the Town gave security on the Milnhole Miln (which as it is known Provost Crosbie & others have ruined) & which the Church members should look into.

I procured a complement from the Royal Burrows of £200 Scots to the poor people burnt out by the fire in the Frier's Vennel in May 1702 & which I brought home & distributed amongst them, according to their several circumstances & necessities.

The Town having thought fit to relinquish the horse miln (which cost the Town great expenses in Anno 1686), & to build a Miln beyond the water in Anno 1705 or 1706, several sums were borrowed on that head, to which I was not witness, Mr. Thos. Rome being then Provost.

ACCOUNT of the Town's Debts paid from Michle-  
mass 1706 to Michlemass 1708.

Merks.

To the Trades to help to build the Meal Mercat conform to Act of ye community ... ..	400	0	0
Spent by B. Barclay £100, & John Nielson of Chapel £100—about Margaret Ramsay's inditement, & £200 given himself when she went out of the Kingdom, & £200 as the expences of her tryal & incident charges <sup>85</sup>	900	0	0

All this tryal being before the Magistrates as Judges, the  
expencc was an peculate & imposition on the Burgh's Revenue.

Merks.

Sept <sup>r</sup> 1707. Paid to Barncleugh Maxwell of the arrears of the 100 Merks yearly which John Herries, called Butts, should have paid him & relieved the Town, and which Kelton as then Provost & now his heirs should make good to the Town ... ..	900	0	0
To Dr. Geo. Archbald 1000 Merks & a years annual rent borrowed by Provost Rome to- wards building the Mill ... ..	1055	0	0
To William Rae in Limtonside another 1000 Mks and a years annual rent for the Mill	1055	0	0
Bought by Coliestoun from Netherwood 4 acres of ground between the Dovecote Croft & Castledykes, being a continual bone of contention between him & the Town, they daily poinding one another's cattle, and more especially on this motive that Netherwood had a charter bounding said 4 acres of land with the water of Nith, and having raised a Breve of Perambulation before the Sheriff by which he designed to			

Merks.

have carried away the greatest part of the Dock. But his Perambulation being advocate & made litigious, I forced Netherwood to sell the 4 acres of land whereby the Dock & the same are now worth yearly £240 scots; And for which 4 acres of ground disposed to the Town I paid him eleven hundred merks ... ..				1100	0	0
To Gavin Carlyle for an road thro' his park in perpetuity to the Town's Mill on the other side of the water ... ..				100	0	0
To John Gilchrist (now Baillie) the balance of his Treasurer Accounts ... ..				400	0	0
To Mr. McNaught £44 : 10/- as 2 years annual rent of 600 merks, borrowed for the Mill at Whity 1705... ..				66	10	0
To James Gordon & Janet Reul Spouses £168 : 6/- as 2 years annual rent of 2000 merks, & £45 : 10/- as 2 years annual rent of 600 merks, both borrowed for the Mill at Lams. 1705, the annual rent being paid to Lams. 1707; both is ... ..				320	10	0
25th. March 1708. Paid to James Gordon the 2000 merks Bond & annual rent thereof from Lammas 1707 ... ..				2064	0	0
To him the other Bond of 600 Merks, & 7 months & 20 days annual rent thereof, and the Bonds & discharges put up in the Town's Charter Chest ... ..				627	6	0
At Michaelmas 1708. Left at my outgoing £50 Str. in the hands of John Kilehaggs as Treasurer, which was destinate to repair the steeple of the Kirk... ..				900	0	0
Summa Totalis				25993	0	0

Nota:—

The Burrow's dues on the head of the Missive & fitting the Town Aeque being £20 Sterling these 4 years, inde 1460 merks. Item the whole Magistrates Officers fees & contingencies; But all are augmented & altered.

Many exceptions might be put to this account, but seeing the Provost, the supreme manager, hath left it to be tried by the Council Books & the Treasurer's Accounts extant in the Town's Charter Chest, who can easily disprove the same, or without a joint convention & concourse of the best of the Inhabitants & Heretors, who can conveniently canvass these accounts at such a distance; therefore in gross, [they] must be taken as given, especially seeing he did more for the Town's benefit, than all the other Provosts did, & also did more enrich himself by that office than any of his predecessors was ever known to do, which would be tedious & gravaminous to the minds of his successors, to be made known. But he erred in the main, in not being a Merchant, to get more by the Town's and private buildings, seeing the Town had not a Dean of Guild to encourage builders; & he was not a Merchant to get off timber, dales, lead, glass, iron, slate &c.

The Council have made many Acts for many years past in the several administrations, which for their own interest also were very specious if regarded or execute, particularly the Acts of casual fire, & the contiguous causes thereof,—not sweeping of chimneys, & placing whins, broom, & other combustible matter too near chimneys, & removing Smiths' forges from the High Street & from among the best buildings—regulating the leading [of] peats & turfs from the Moss to the Town, from the far or near Mosses.—What shall the cart-load of four sacks holding nine pecks of corn each pay with or without meat or drink; And what shall be the price of a sufficient cartful of peats or turfs furnished by a country man, that strangers or other Inhabitants be no further imposed on by country people, or townleaders, carters &c.—That seeing the Heretors on north east, east & south of Dumfries get their

rents made up in the Town, by selling meal, malt, peats, turfs &c., the Inhabitants be no further imposed on, by insufficient goods or loads;—And to make an Act that every corn sackful of peats pay  $2\frac{1}{2}$ d except in wet weather, when there is a wet season, and every Kellwood, Auchencreith & Bruntskerth small sacks of peats be sold for  $1\frac{1}{2}$ d;—And every load of coals, from Sanquhar & adjacent places, of 5 or 6 pecks, 15d or 16d. per load, or measured by the common peck at 4d or  $4\frac{1}{2}$ d, in case of wet summers;—Leading of rubbish to the water brink 1d per Cart;—And to put in Execution an Act made about 30 years ago, that no water drawer get above eight pennies scots for a barrel, which before & sometime after the Revolution women carried on their heads, for two pennies scots a pailful; & the herring barrels hold nigh three pailfuls each, & that they serve readily without distinction of customers. That according to all Acts & Customs, time out of mind, the Burrow Officers attended at Townhead & at Lochmabengate Port from 20th June to Lammas, in their turns, an hour in the ev'ning, to intercept the dwellers in Bridge-end, who embezzle & carry away on their backs, loads & burdens of the Inhabitants peats & turfs; This would require three of the Officers with the Common Cryer in their turns, hours at night & morning at Townhead, Lochmabengate & at the Bridge, where they might be apprehended & their sheets & loads forfeited to the seizers. This is it seems to be neglected since Geo. McChron a Burrow Officer dyed.<sup>86</sup> But the Burrow Officers are too idle to serve the Town, tho' working to the Inhabitants for wages, and so get salaries & New Years gifts only for carrying halberts. It is like the Administrators & Council, being young & inexperienced, [to] know few or none of these things, who are importers of coal & care for none of these mean matters, since the year 1734. But to what end are they Administrators, seeing their minds are not stirred up for the common good?

I am informed there are several old fantastical customs of diversions used & tolerated in the Town, some for the



public benefit & some for recreation. These for recreation appeared harmless enough, if duly moderated by the Administrators *vizt.*—Weapon Showing which if considered, is more needed by the Inhabitants, than only by the Trades at their shooting for their Silver Gun. The Muckmen or daily labourers, & servants of the Heretors in their husbandry or labouring the Burrow Aikers, riding in a pageantic or scenical way in their best habilements & weapons, as swords, durk or hanger, ribbons & sashes to make a ridiculous & comical show, the first Monday of May yearly, [go] through the Town on horseback; And from the Town, westward to Dalskerthwood, whence they brought in each man, a branch of birktrees, & then going to the Horse Course, & performing a race or , as the premium of the Silver Muck Bell,<sup>87</sup> which they carried along with them, & belongs to the Town; the premium for which to the gainers was five merks, which served them to drink with jubilee in the ev'ning.

The riding of the Town's Marches [takes place] on the last day of October yearly by the Magistrates, Council, whole Corporations of Crafts, & all others in the Bridge-end in Troquier who were free with them, & all unfree men, and the scholars of their Latin School, who rode always before. All [went] in their best cloaths & arms, beginning their march from the Mercat Cross or the Laigh Sands, up the Street to the Castle, where the New Kirk now stands, down the Frier Vennel, up the Green Sands, & up the road of the high Haugh, to the Mont or Moat, stopt there, where the Officers had a pokeful of apples, which they ordered to throw amongst the crowd; Then [to] the Moatland, away by the grounds called the Langlands & Lochend on the northside of the Old Chapel, to the Stoup or Horse Course,<sup>88</sup> where was a race run by any competitors who previously acquainted the Magistrates, & the premium was a saddle & spurs. Thence the Cavalcade held eastward & southward between the marches of the Town's property & Craigs & Netherwood, hearing complaints of marches, & inspecting the marches, so as afterwards they

might cognosce upon the controversies; And so went to Kelton Well, where the Burgh's Superiority terminates, & the Clerk called the roll of the Heretors & Burgesses, & absents were noted and amerced. Then returned in good order, & sometimes hautboys &, of old, trumpets sounding before them with several drums.

But this anniversary solemnity is laid aside, and the new Magistrates & Counsellors take no notice of them or Acts of Council, far less Acts of Parliament. And the whole roads & servitudes for the said matter, & every public occasion are stopt & enclosed by the Administrators indolence, telling they were all needless exercises, & expensive to the Town, and the Inhabitants improve their grounds by inclosing them. But the Inhabitants servitudes to water & Moss are also pluckt up, whereby in several corners of the Town, the Inhabitants are prejudged by connivance of the Administrators with the Heretors as to Mosses & Water, unless they make the wells patent to them again.

And so this old priviledge or solemnity is laid aside, as is the Town's head Courts at Michaelmas yearly, wherein all Heretors were to give sute & presence, & pay a small acknowledgement, as eight pennies scots. In these the Magistrates were politically wise for their private interest, to build Kirks, Tolbooths, Steeples, Schoolhouses, Coffie Houses, Milns, New Walks, Docks, Havens, & Hospitals &c., where the materials for the buildings are furnished by the Administrators or Counsellors.

## [CHAP. 4th.]

DRUMFRIES TOWN hath been the place of several invasions of the English Nation and devastations suffered from them. Cook in his Institutes of the Law of England treating of their High Court of Parliament & particularly their Acts of Parliament enrolled in other Courts & places, makes mention of Two Acts of Parliament made in the 28th year of Edwd the first at Drumfries, the one 23rd Octor & the other the 30th Octor 1300, &c. (written before, *vide* p. 23).

Buchannan & other authors relate several matters done in & about Dumfries, as particularly some insurrection & rebellion which the Popish party made for Queen Mary in & about it, in anno [1568];<sup>88</sup> & in the year 1449, during a seven years truce between England & Scotland, the Scotts Borderers infesting England, the Earl of Shrewsbury, Warden of the Western Marches, came with an armed force & burnt Dumfries; that the Lord Maxwell caused Mass to be performed at Dumfries anno [1585] years after the Reformation from popery, which was a great grief to the Church & the Inhabitants. And in 1563 Mr. John Knox our famous Reformer, or the Apostle of Scotland, was directed by the Assembly to go to Dumfries to the admission of a Superintendant, where he found Mr. Alexander Gordon, late Popish Bishop of Galloway, had corrupted most part of the Gentry & was necessitate to return, *re infecta*,<sup>90</sup> & left Robert Pont with the Master of Maxwell for better instructing him and the Gentry. *Sed nec adhuc tergitur antrum.*<sup>91</sup>

In Novemr or Decmr 1613 the westpart of the Kilns between the foot of the two Vennels, Calverts & Frier's Barns

& the westside of the Street of Drumfries was burnt down, supposed to be begun by coals of fire left by washers at the waterside, which by a violent wind being driven on the Kilns burn[t] them, and that increasing was still driven upwards to the buildings in the Town, first supposed to be done by one Archd Herries, son to . . . . Herries of Terraughty, but on want of proof he was dismissed.<sup>92</sup>

A Convention of Burroughs of Scotland, was holden at Dumfries Anno 1622.

I remember (saith mine Author) to hear of the fire of the Kilns from an old man who had it from his Father who was witness to it, and from another aged 92 years who died in 1730, that a poor halfwitted man took a sheaf of pease-straw from off the fields about the Moat, & burnt it on that ground to make a Pease Kiln, whereby all the Kilns, from Townhead to Martin Parker's (now Bailey Clark's) & the houses even to the Castle on the northwest side were burnt down. It is recent with many old people yet living, that in July 1685 the Kilns east of the Millhole Miln were all burnt, & one Matthew Coulter was destroyed thereby. That same year about that time there was a fire which destroyed the closes of the tenements of Provost John Irving, James Dod & others in that neighbourhood in Lochmabengate, & which were also destroyed by fire again after the Rebellion 1715. Also the Frier's Vennel in 1702, 6th of May, on both sides from Lag's Lodging,<sup>93</sup> in which James Rig was destroyed, and several other calamities by fire in the memory of many of the present generation. In all which houses so burnt, there had been many murders, adultries and other wickedness perpetrate, tho' innocent people might suffer at the same time,—all warnings to the Inhabitants to repent of their luxuries, oppressions, prodigalities, adulteries, fornications, and sins of injury & injustice, lest another Visitation surprize the place.

It is a memorable remark on some families of Divine Justice, that all may fear & beware of exemplary punishments

on the enemies of the Church of God, even to the third & fourth generation of the Fathers who were guilty; which, says mine Author, is discovered in the History of the Church of Scotland, *vizt.* Saturday the 4th of Augst. 1621 the time of the proceedings of the Parliament of Scotland. And the moment the Commissioner, the Marquis of Hamilton, his rising to sceptre the Act of Parliament ratifying the Assembly holden at Perth 25th Augt. 1618 now ratified (in which Parliament John Corsan was an affirming voter for the Town of Drum. & Amisfield & Lag for the Shire of Dumfries, ratifying the five Articles of Perth), there fell out such blackness & darkness, three successive great lightnings, three loud claps of thunder, hailstones & prodigious rains, fire in the houses of Edinburgh in the morning, called the Black Saturday;<sup>94</sup> This prodigious, tremendous, terrifying, unseasonable weather continued all August, began again in October, and on the 4th of October, ten arches of the Bridge of Perth were broken down by the deluge of waters; And the Bridge of Tweed almost finished at Berwick was broken down. And one or two arches of the Bridge of Dumfries next to the Town fell; all as tokens of God's displeasure against the cowardly Commissioners & the places who sent them, in concurring to destroy the Church of Scotland. So that it may be apply'd, that for 120 years these places & families have not prospered.

As to the falling or demolishing of the one or two arches of the Bridge of Dumfries nigh the Town, I remember, says mine Author, a tradition from some old people in my hearing, half a century ago, that a worthy Presbyterian Minister being lodged in the house on the east of the Frier's Vennel, named Lag's Lodging, did all that day & till twelve o'clock at night, watch and enjoin the people to watch & pray, for that some strange occurrence would fall out that night; And that he himself did watch & heed-fully observe the swelling of the river Nith, with the great tempest of wind and rain; And said that he perceived a Moles or monstrous bulk as of many stones or trusses of hay together come down thro' the Bridge,

which took away one or two arches between eleven and twelve at night about that time.

As to the Kirkyard or Burial places of the Inhabitants of Dumfries, there is a visible error & inconveniency suffered & affected by the whole Corporation, whereby they are marred & hindred in their burying the dead, in permitting large grave-stones to be erected with inscriptions, to stop the way to other graves. The remedy is obvious, to declare by Act of Council, to facilitate the road of carrying corpses, that every erected stone stand two years, & thereafter be laid down, & failing the doing thereof, that the Beadles do the same and have warrand to poind for the expenses thereof.

---

## ADDENDA.

BY R. RIDDELL, OF GLENRIDDELL, ESQ., F.A.S., &c., &c.

Pinkerton, in his notes on Barbour's Poem of the Bruce, says that Dumfries (in that old Poem called Drumfres) was the celebrated *Castrum-puellarum*:—Dun—*mons, castellum*, and Fre—*puella nobilis*—See the Glossaries of Wachter, Verelius.—So he makes it Dun-Fre or Dunfre. I own I think this a very whimsical derivation, but took it down that it may be brought forward among other conjectures as to the name of Dumfries.

R. R.

I think the following a better derivation of Dumfries,—Dum—friesc—or *Domus fratrum, i.e.*, the House of the Bretheren, alluding to the friary there.

[R. R.]

## NOTES.

1.—This MS. is now contained in Vol. XI. of the Glenriddell MSS. at the Library of the Society of Antiquaries, Edinburgh. The volume is entitled "The Antiquity of Scotland." At the first page of the volume is a water colour  $4\frac{1}{2} \times 2\frac{1}{2}$  inches of the old Brig of Dumfries from the Castledykes, showing the original nine arches. The collection is called after Robert Riddell of Glenriddell who formed it.

2.—The Johnstones of Elshieshields<sup>1</sup> are one of the oldest branches of that great Border family. As is to be expected many different ways of spelling the name of this property are to be met with—Achsheselis, Aschescheillis, Alchiesheils, Alschescheillis, Elcheschelis, Elcheshields, Elschelis, Elscheillis, Elscheschelis, Elscheschiells, Elschescheilis, Elschiesheills, Elschishailis, Elscheicheillis, Ellschelles, Elsischeillis, Elzhesillis, Escheles, Elsyshieles, Eschescheillis, Eschescheilis, Escheschelis, Esshesheillis, Esscheschellis, Eshieschiellis. The property is not a large one and lies entirely within the parish of Lochmaben.

It has not been possible to ascertain when the Johnstones of Elshieshields separated from the Johnstones of that Ilk, but the first one of whom we have record is Gavin Johnstoun, commonly called Gawen of the Wood (? Lochwood), who is reputed to have been a son of Johnstone of Annandale. In 1419 he appears as husband of Mariota Scott and must have lived till 1485 (Hist. of Johnstones, p. 29). His eldest son Archibald predeceased him and his

1. The history of the family has been given in some detail in Miss C. L. Johnstone's "History of the Johnstones." Her notice of the family is, however, so entwined in the accounts of other branches of the great family of Johnstone, that it is not accessible in ready form. Further, the value and importance of that exhaustively compiled volume is sadly impaired by the lack of references.

younger son William inherited Marjoribanks (*ibid.* p. 30). He was succeeded by his grandson Gavin Johnstoun who was seised of the property in 1486 as heir to his grandfather (*ibid.* p. 29). But he soon had cause to deny his heirship. The deceased Gavin had owed a hundred merks to John, Lord Carlile. On his death Lord Carlile summoned Gavin the heir for payment and on Gavin denying that he was heir, judgment was given in favour of Lord Carlile for that sum (A.D.C. 74). This was not the only difficulty that beset Gavin. As heir to his father Archibald and with the assent of his tutor William de Johnestoun, he claimed certain goods to the value of £20 from Gavin of Johnestoun of Esbie, who may have been his uncle and who pleaded that the claimant was a bastard (A.D.C. 65). Gavin the younger does not figure much in the records, but we know that he was a defendant in the case of Glendinwin v. Adam de Johnestone of that Ilk in Nov. 1498 (A.P.C. 34).

His son William was seised of Elshieshields in 1520, for in Nov. of that year nonentry and relief was paid to the sheriff of Annandale for the £12 land of Esby, the one merk land of Elschelis and the  $\frac{1}{2}$  merk land of Howis of old extent, sasine being given at Glasgow to William Johnestoune "de eisdem" (Ex. R. xiv. 635). William was twice married; firstly to Katherine Douglas, when he resigned the lands of Esby and obtained a new infeftment for themselves conjointly, and for their heirs, in Sept. 1521 (R.P. p. 14).

He married secondly circa May 1528, Katherine daughter of Sir Alexander Kirkpatrick of Kirkmichael, transferring to her at the time the lands of Elshieshields and Esby. This was confirmed on 20 May 1530 (R.M.S. 1513-46, 939), and a fee of £5 composition was paid therefor (L.H.T. v. 341). William was still alive on 9 Oct. 1535 when he served on an assize for the retour of Simon Carruthers of Mouswald as heir to his father Simon (R.P. p. 18).

We have mention of only one other son of Gavin the younger—Archibald who was in possession of Greskine (Graskine) and Melingshaw which pertained heritably to Lord Herries. On 10 March 1527-8 he sold these lands to John Johnestoun of that Ilk for a price not stated. He was sufficiently educated to sign the document himself (A.B. i. 16).

It is not known when William Johnston died, but on 10 March 1549 we find John of Johnston of Elzhesillis witnessing a Kirkpatrick



bond of manrent (Bk. Carl. ii. 475). In 1560 he was called upon to support the chief of his clan in keeping the peace on the Borders (Drumlanrig Papers, i. p. 22) and again in May 1564 he is mentioned with several others of the name of Johnstone in a bond of manrent to the Laird of Drumlanrig (D.P. p. 68).

At some date which we cannot fix, John Johnstone appears to have suffered escheat, for John Johnstone of that Ilk in making his testament in 1562 left his eldest daughter to the Master of Maxwell who was to provide her in marriage with the profit of the Laird of Elshieshields' escheat. But as is well known the marriage never took place (A.B. i. clxi.). On 8 Jan. 1571 John Johnstone witnessed a charter at Lockwood Tower (R.M.S. ii. 2126), and on 11 May 1573 he was appointed an arbiter in a deed of submission whereby John Johnstone of that Ilk agreed with the Grahams and Irvings to lay their differences before friendly arbiters (A.B. ii. 32).

John Johnstone died in Dec. 1574. Only a few months before, he appears to have got formal sasine of his property, the sheriff accounting for the fermes stated to have been in the hands of the King for 28 years owing to the lapse of ward and nonentry (Ex. R. xx. 470). From this we may surmise that he succeeded his father in 1546 but never paid his feudal dues till the year of his death. Indeed even the legal formalities of succession do not seem to have been complied with till 9 Oct. 1574 (Inquis. Spec.). The contents of John Johnstone's will are given by Miss Johnstone (p. 30).

In March of the following year we find William Johnstone of Elshieshields serving on an assize at Lochmaben (R.M.S. iii. 2741). He must have occupied the same position of prominence as his father, for when in 1575 the Armstrongs complained to John Johnstone of that Ilk that the Johnstones of Cragoburne had stolen some nags from them and received in reply a letter which "we thenk weray scherpe," the Laird was chosen as an arbiter (A.B. ii. 273). In Dec. 1578 William or as he was usually designated Wilkein or Wilkyn (probably to distinguish him from his younger brother William) was an arbiter in a bond of submission by certain members of the clan (R.P. p. 26), and later (3 Jan. 1579) he bound himself to support his chief in a pledge to the King to keep the peace (R.P. p. 27). Wilkin was not infeft in the family estates till 1580 (Ex. R. xxi. 444), the sheriff acknowledging pay-

ment of £54 scots dues. He had several brothers who took an active part in the disorders of those turbulent times. In 1584 Adam and William, brothers of Wilkin, were arraigned before the Privy Council for attacking John Hoddam in Kirkmichael, whilst peacefully ploughing, smashing his plough and cutting off his thumb:—both the Laird and his Chief had to go surety for them in 500 merks (R.P.C. iii. 725, 728). In 1586 Wilkin and his brother Robert were again the object of the Privy Council's regard, though the crime is not stated (R.P.C. iv. 88). In Nov. 1589 Wilkin was at Peebles at a meeting convened by John Lord Hamilton concerning the peace of the Borders (A.B. ii. 26), but his conduct was suspected, for in Sept. 1590 Robert Poore burgess of Edinburgh went surety that Wilkin would relieve the Wardens of the Marches for all "attemptatis" committed or to be committed by him (R.P.C. iv. 809). This bond was cancelled by another one to the same effect dated 29 Nov. 1597 by Wilkin himself and John Hamilton of Ellerschaw in 2000 merks (R.P.C. iv. 744). As might be expected the family were in the forefront at the battle of Dryfesands, William, Adam and James brothers of the Laird being given respite for the same (Bk. of Carl. ii. 498), and in the following year (Jan. 1595), Willie "or Adie" Johnstone of Elshieshields was given up to the King by Sir John Johnstone of Dunszellie as a pledge for "the gang of Brumel (Broomhill) and Elscheschelis" (R.P.C. v. 759). Adam was again in trouble in Nov. 1598 for harming Alexander Kirkpatrick of Kirkmichael and occupying his lands of Scarbra (R.P.C. v. 708). The following year the Laird was acting once more as an intermediary—between the Earl of Angus and Lady Johnstone. The clan had seized Lochmaben Castle and the Earl wished to dislodge them. Whatever form the Laird's efforts may have taken, the clan neither gave the required pledges nor did they give up the castle (A.B. i. cxxxvii.).

The struggle between the Maxwells and the Johnstones that culminated in Dryfesands was not easily allayed. In Feb. 1612 Lord Maxwell and a party of 20 attacked and slew William Johnstone in Dalfibble, brother of the Laird (R.P.C. viii. 767), an incident which is adequately dealt with by Miss Johnstone and Sir William Fraser. It has been suggested (Bk. of Carl. i. 309) that it was the Laird who was slain, but this can scarcely be the case for in Jan. 1606 we find that "William alias Wilkin" Johnstone of Elshieshields granted to his second son James, the family

estate and also a tenement in the burgh of Lochmaben and the two merkland of Maxton in Teviotdale (R.M.S. v. 1691). This grant was only a feu for in 1610 James Johnstone "callit fiar of Elshieshields" goes caution for his father Wilkin (R.P.C. ix. 658). At this period Wilkin is to be found serving on the assizes that retoured Robert Johnstone of Newby and James Johnstone of that ilk in Sept. 1608 (A.P.C. 855 & 989). Another allusion to him in Feb. 1610 is in its brevity and incompleteness exasperating—"ane delyverance past in favour of the Laird of Esshesheillis for deserting of the day of law anent the slaughter of the brethrene of Brigmure" (R.P.C. viii. 421). The family were unusually turbulent that year. In August the Laird and his son James had to find Sir John Charteris and Sir Alexander Kirkpatrick of Kirkmichael as sureties that they would keep the King's peace and not carry hagbuts or pistolets (R.P.C. ix. 655), and next day the Laird received letters of remission, for offences not stated, for himself, James, Archibald, William and Adam his sons, Robert his brother and John (perhaps a son of Robert) his nephew (R.M.S. vi. 370). The following month he had to go surety for two of his sons (R.P.C. ix. 658). It was just as well that the family obtained the remission, as Archibald the Laird's son was haled before the Privy Council in 1611 charged with carrying hagbuts and pistolets, and pleaded successfully that the offence was covered by the remission (R.P.C. ix. 301). A few years later the Laird is found in a new role, signing as Provost of Lochmaben on 10 Sept. 1617 a bond of good conduct (R.P.C. xi. 226). Later, his sons Archibald and William appear as unsuccessful pursuers in an action against Adam Johnstone in Lochmaben for stealing seven sheep (R.P.C. xiv. 676).

By this time Wilkin the Laird must have reached a great age, which perhaps may account for his being relieved of acting as a surety for Patrick Ewart in 1623 (R.P.C. xiv. 694); but it did not deter him from serving on an assize in Oct. 1624 (A.P.C. p. 55). It is not known when he died, though Miss Johnstone suggests 1626. At any rate we find in 14 Feb. 1628 his son Archibald, designated of Elshieshields, given power to search for, and apprehend certain persons put to the horn (R.P.C. ii. 2nd ser. 229).

This Archibald, the new Laird, was the third son of Wilkin, having succeeded his elder brother James in the lands of Esby and

Elshieshields in April, 1629 (Inquis. Spec.). The following year he was retoured heir to Wilkin his father in the  $\frac{1}{2}$  merkland of Howis in the parish of Annan (Inquis. Spec.). In Jan. 1630 he appears as a defendant in the case of James Johnstone of that Ilk v. Robert Earl of Nithsdale and others (A.P.C. p. 872). Archibald, when he succeeded, can hardly have been a minor, and when we read of Adam Johnstone tutor of Elshieshields in 1635 (A.P.C. 878) it is probably a designation retained rather than effectual. Adam the tutor may have been Archibald's uncle, and we know that he had a brother called William who was guilty of an offence not to be lightly tolerated even in those easy times (R.P.C. v. 2nd series, 146).

Archibald Johnstone was dead by 1647, his son John being retoured heir in Elshieshields, Esby and Howis on 23 Nov. (Inquis. Spec.). For some unknown reason he was not retoured till 23 Feb. 1655 as heir to his father in the Mylne of Lochmaben and the mylnelands thereof together with the Walkmylnesteid and Walkmylnburn, and 5 roods of land lying in the crofts of Lochmaben which were held "service of burgh due and wont" (Inquis. Spec.).

John Johnstone was a captain of foot in the Dumfries Militia (R.P.C. ii. 2nd ser. 542). In 1671 he was in conflict with Sir Robert Dalzell of Glenae, mutual bonds being given to keep the peace, in which John is described as a baillie of Lochmaben (R.P.C. iii. 3rd ser. 695-9). In the same year he came to the financial assistance of his chief, James Earl of Annandale (A.B. ii. 311). On another occasion this help was repaid in a different but characteristic manner. The Laird having been put to the horn for nonpayment of a debt, applied for assistance to his chief and received the laconic reply, "Dear Elshie, money is as scarce up here as it is down with you; but come up here and shelter yourself till the blawst blows by" (A.B. ii. 412). From the Barjarg MSS. we learn that John had a daughter Elizabeth married to John Irving, tutor of Bonshaw, who had a son John flourishing in the reign of Charles II. The tutor was dead before 1691.

The will of John Johnstone of Elshieshields was proven on 11 Jan. 1688. Miss Johnstone states (p. 32) that he was provost of Lochmaben and M.P. for the Dumfries Burghs for 1665-82, and that his son and heir Alexander was M.P. for the same in 1693-1702. Neither father nor son were ever Members for Dumfries. The father was however present at some Parliamentary Conventions as

representative of Lochmaben for the years stated, and Alexander was M.P. for Nithsdale and the Stewartry of Annandale, 1693-1702.

Alexander Johnstone was retoured heir on 2 March, 1688 (Inquis. Spec.), and was married twice—firstly to Marion Grierson in 1684, by whom he had a daughter married to Robert Edgar, writer in Dumfries;—secondly to Janet Carruthers by whom he had two sons, Gavin and Alexander. Janet outlived her husband and married James Maxwell, of Barncleuch, by whom she had a son, James Maxwell younger of Barncleuch.

This second marriage of Alexander Johnstone's led to much litigation. In his first marriage settlement the property was limited

(i) to the heirs male of Alexander and Marion; whom failing

(ii) to the heirs male of the said Alexander by any other marriage,

(iii) whom failing, to the eldest heir female of Alexander and Marion,

(iv) whom failing to the nearest heirs of John Johnstone father of Alexander.

By his marriage with Marion, Alexander had no heirs male. His daughter had, however, a son Theodore Edgar, described as chirurgeon in London, who would naturally have inherited the property under the third limitation, should the heirs under the first and second limitation have failed. This is what occurred. Gavin, the eldest son by the second marriage, died in March, 1732, and Alexander his brother died without issue about 1736-7, after making a gratuitous settlement of all the estates to his half-brother James Maxwell, of Barncleuch, younger. The result was a lawsuit between Theodore Edgar and James Maxwell, particulars of which will be found in the printed Informations belonging to the D. & G. N. H. & A. Soc. It was settled by the sale of Elshieshields by Barncleuch to Edgar for £1,100 (Sheriff Ct. Bks., Sept. 1744). Another claimant to the estate was James Johnstone, described in 1738 as "now of Elshieshields." He may have been a younger brother of Alexander the twice married, claiming under the last limitation. He certainly had a disposition from his niece Janet in his favour of the Mill lands of Lochmaben.

In 1738 Theodore Edgar was retoured heir to his grandfather Alexander. But Esbie passed to Barncleuch along with Newton in

Kirkcudbrightshire, which had been acquired in 1732 from William Maxwell, of Nithsdale, for money lent on 4 Oct. 1693, by Elshields (Barjarg MSS.). Theodore's descendants are still in possession of Elshields, and particulars of them will be found in the pedigree in Appendix D.

3.—“These things, like wounds, I touch unwillingly; but unless they are touched and treated, they cannot be healed.”—*Livy*, Book 28, cap. 27.

4.—“Servility makes friends: truth begets hatred.”—*Terence*, “*Andria*,” Act I., scene I., line 44.

5.—This passage is the worst example of its kind in the MS. It makes neither sense or grammar. Perhaps it is the fault of Edgar's original MS., or else Riddell's copyist has badly mauled the text. As it is impossible to correct, the passage is printed as it stands.

6.—Of William Maitland not much more is known than appears in the Dictionary of National Biography. Before he took to writing history, he was a hair merchant, and in pursuit of that calling had travelled extensively on the Continent. When about to write his history of Scotland, he issued to the Town Council and Minister of Dumfries a list of his queries, of which Edgar preserves a copy. Gough, who pretends to mention all the cases in which replies were sent to this circular, makes no reference to Dumfries. But it is clear that Maitland got a reply, and that his request for further information was acceded to.

On 26 July, 1741, the Town Council had before it a letter from Maitland containing his circular, and a Committee of Provosts—Corrie, Crosbie, and Ewart—were appointed to convene with the minister of the Parish, who had received a similar letter, and to draw up an answer thereto.

On 26 April, 1742, the Provost presented a further letter from Maitland, which having been read, the following writs were taken from the Town's Charter chest, that copies may be taken and transmitted to Mr. Maitland.

(1). Charter of Confirmation by Robert King of Scots to the Burgh, dated at Glasgow 28 Ap. 1395.

(2). Copy signature in favour of the Burgh—dated as on back, 1670.

(3). Signed signature in favour of the said Burgh superscribed James R., dated at Theobalds, 16 July, 1621.

(4). Commission of James King of Scots for keeping 2 fairs in Dumfries, dated at Holyrood house 30 Nov. 1392.

(5). Act concerning Lord Sanquhar and the Burgh, dated at Edinburgh, 7 May, 1509.

(6). Two old transcripts written on parchment, signed by 3 notaries.

(7). Rentall of sundry rents & annual rents of the Burgh.

(8). Charter in favour of John Johnston anent the Brig custom, 10 July, 1557.

(9). Charter anent the brig custom by the Countess of Douglas to the guardian & common friars, 4 Jan. 1453.

(10). Charter anent ditto, 16 Jan. 1425.

Of Maitland, Gough opines "he was self-conceited, credulous, knew little, and wrote worse." At any rate, he made no use of these writs in his History of Scotland. Perhaps he could not read them.

In the first edition of his "History of Edinburgh," Maitland, in endeavouring to live up to his assumption of public mentor, made certain aspersions on John Coutts, the Lord Provost of Edinburgh. James Coutts, his son, appealed to the Town Council for redress. Maitland performed an amusing *volte face*, as may be seen from "Coutts & Co., Bankers, Edinburgh and London," by Ralph Richardson, 1901, pp. 44-9.

**7.**—The origin of the name of Dumfries has been the subject of much learning and fanciful conjecture, which have been well summed up by Mr. Shirley in D. & G. N. H. & A. Soc. 1911-12. Briefly, there are 5 theories:—

(1) Dr. Archibald's, who derives it from an unauthenticated "Freezewell."

(2) The Rev. Peter Rae's, who derives it from *Domus Fratrum*, *i.e.*, the Greyfriars.

(3) Buchanan's suggestion that it comes from "*dorsum frati*," referring to the Frith which must once have covered Lochar Moss.

(4) Edgar's theory, slightly varied by Chalmers.

(5) Baxter's theory (1719), who suggested that it was the same as "*Oppidum Frisonum*."

A variant of Baxter's is now generally accepted, Skene having held that is signified the Castle of the Frisians, and Sir Herbert Maxwell having endorsed it. Procopius, writing in the 16th century, stated that Britain was inhabited by "Angiloi, Phrissones, et Brittones." In the Saxon Chronicles the Frisians are referred to as Fries or Fres. Nennius refers to the Frith of Forth as "Mare Frescium," and in mentioning the principal towns of Britain, notes Caer-Breatan (Dumbarton), and Caer Phaeris—the Castle of Phaeris. If analogy is to be relied on, then clearly Caer Phaeris is Dun-Phaeris, or Dumfries (Maxwell's "Dumfries and Galloway" p 33).

**8.**—The Moatlands, though held by the Maxwell family, were quite separate from their adjoining property, where stood the Town House of Lord Maxwell. Burnside, quoting the Goldie MS., states that the Moat was acquired by the family in 1299. There is little to support this. The property—a £5 land—was held of the Crown and not Burgage (D. & G. N. H. & A. Soc., 1912-13, 344). As late as the end of the 18th century it is described as in the west part of the Town (i.e., to the west of the High Street and Staikfurde). If doubts are entertained as to the 1299 grant, it is possible that the Moat was what was granted to Sir William de Douglas of Nithsdale, circa 1387 (R.M.S. new vol., p. 647). On his death in 1392, it may be conjectured that the Moatlands passed with the Lordship of Nithsdale to his son William de Douglas of Nithsdale who figured as a witness in Feb. 1406-7 (Reg. Hon. de Morton ii., 204). Sir W. Fraser thinks the son died prior to 1438 (Douglas Bk. i., 358), but it seems clear that he was dead by 6 Dec. 1408 when Henry Sinclair 2nd Earl of Orkney, figures as "dominus Vallis de Nyth" (Lag. Charters), apparently in right of his wife, Egidia daughter of Sir W. de Douglas de Nithsdale (i) & Egidia daughter of King Robert II (Scots Peerage vi., 570). If this conjecture is correct, the Moatlands must have reverted to the Crown at a later date.



Nothing more is heard of the property till 31 Jan. 1466, when Robert Lord Maxwell had sasine of some land in Dumfries. (Ex. R. vii. 431). This is the first record of land within the Burgh in possession of the Maxwells. The land was a £5 land, and had been in the hands of the King for non-recovery of sasine for 6 years. During this period £30 of arrears of fermes had accumulated (ibid. 433), nor had they been paid off by 1478 (Ex. R. viii. 555). By 1534 Lord Maxwell had parted with possession of the Moatlands, though he retained the superiority over it which is mentioned on 28 July as being in Robert Lord Maxwell's hands (R.M.S. 1513-46, 1402). In Feb. 1535, Robert Maxwell, of Conheath had sasine (see Appendix No. A. 29), and the Conheath family were still in possession in 1584,<sup>as</sup> we know from a sasine "Done at the ground of the said lands at the Moit."

A clue to future research may be obtained from the Aitken MSS. "1671. Sasine of John Irving, elder, merchant & Agnes Carlyle his spouse in 5 acres of land within the parish, called the ecclesiastical moatlands of Dumfries." But this surely relates to the Kirkland Moat.

9.—The treatise, sometimes called "*Quoniam Attachiamenta*," from its initial words, is composed chiefly of rules of Court, styles of brieves, and other legal matter. It is also sometimes referred to as "*Leges Baronum*." It is one of the oldest compilations of the Laws of Scotland, and may be safely attributed to the latter half of the XIV. century, though parts of it are much older (S.A.P. i. 43). It was based on the now lost national records. There is no proof whereby these particular Acts can be ascribed to a specific year of King David's reign.

Edgar's reference is apparently to Skene's Collection of the Laws of Scotland, in which *Quoniam Attachiamenta* figures. Chapters 72 and 73 of it contain the Laws adjudged against the Galloway men, and are the same as in Scots Acts of Parl. i. p. 56, where they are more properly arranged under the Assizes of King William. This, doubtless, is the source of Edgar's confusion. The Laws were as follows:—

(1) At Dumfries, it was jugit by the jugit of Galowa that if ony Galowa man be convicted by order of battle, or by any other way the King's peace broken, the King shall have of him 12 scorce

cows and 3 gatharions (gelded horses), or for each gatharion nine cows, which are in number 27.

(2) No Galowa man ought to have a jury except he refuse the law of Galowa and ask for a jury (visnet).

(3) Then, there, the same day, by the same jugis, it was jugit that if anyone in the place where that battle is wagit when peace should be halden, happens for to spek outar thaim that are to keep the place, the King shall have of him 10 cows in forfault. And if any man puttis his hand to or makis a takyn with his hand he shall be in the King's merciamment of life & limb. (S.A.P. i. 56. See also Skene, 1609, p. 126).

**10.**—The reference is to Sir Edward Coke, whose surname was pronounced, and often written, as Cook. The passage occurs in his Fourth Institute (p. 43, the old paging is preserved in all editions). Edgar is confounding some of Edward I.'s Letters and Proclamations with Acts of Parliament. There is evidence to show that Edward I. was at Dumfries on July 9 and 10 and 15 and 16. On the 15th he issued a Proclamation concerning the imprisonment of some Yorkshire footsoldiers who had deserted (*Foedera* 1816, Vol. i. pt. ii. 921). Though Edward must have passed through the town on August 27th, there is no record of his being there again till Oct. 19th, when he seems to have been continuously at Dumfries till Nov. 1st, returning to Carlaverock and Carlisle on the 2nd and 3rd of that month respectively (Craib's MS. Itinerary). The Close and Patent Rolls amply attest Edward's activity on public business on Oct. 23rd and during the rest of his stay at Dumfries. But Parliament did not meet there. A Proclamation was, however, issued on Oct. 30th concerning the truce granted to the Scots at the mediation of the King of France, notification being sent that day to Patrick de Dunbar, Earl of March, Simon Fraser, guardian of the Forest of Selkirk, Robert de Maulaye, Lord of Drilton (Dirleton), and John Bourdon, sheriff of Berwick-on-Tweed (*Foedera* 1816, Vol. i. pt. ii. p. 924).

**11.**—The Rig's Chapel was the Chapel of the Willeis, dedicated to the Virgin Mary, which lay by the foot of the Stinking Vennel (Bank Street). At the Reformation the property was acquired by the Rig family, and for long went by the name of Rig's Chapel. It was

used by them for dyeing and tanning. The family was at one time of importance and opulence in the Burgh. In May 1476, there is mention of Thomas Rig & Margaret his wife (Maxwell Inventory, 30). In the year 1506 Cuddy Rigg, "fethelar," received 9/- payment from the King. In 1511-12 he was again in receipt of 13/- (L.H.T. iv. 325). Amongst the witnesses to the charter of the altar of St. Crucis in 1506 were John and Hugo Rig (R.M.S. 1424-1513, 3010). John, who was a burgess, owned a seal, used in Jan. 1517 by Gilbert Mackclelane (Bk. of Carl. ii. 457). He was slain by Huchoun Galloway in the Newtown, prior to 16 May, 1516 (R.S.S. i. 2770). In August 1527, another John Rig witnessed a Douglas Charter at Dunscore (R.M.S. 1513-46, 499), and he appears again in 1537 (*ibid.* 2083). He may have been the John Rig who obtained a charter of Meikle Dryburgh from Lincluden in 1559 (McDowall's "Lincluden," 128). In 1550 a Peter Rig was a burgess (R.M.S. 1546-80, 556) and had a son named John (Aitken MSS.); but with notices of so many John Rigs it is very difficult to identify them. In 1560 and again in 1566-7 James Rig was a bailie (Ex. R. xix. 117 and 372), and as such signed the Band of Dumfries in 1570 (R.P.C. xiv. 66). In 1567 he had been Provost. In 1580 he obtained letters of legitimisation for his son James (R.M.S. 1546-80, 3017), who was retoured his heir in 1591, and may be identified with a notary, who had an extensive practice in the district (R.M.S. 1580-96, 130). The notary's sister Agnes married Thomas Maxwell burgess, and brother of John Maxwell of Kelton (McKerlie iv. 8). The notary was dead by 1597, when his son William was a cautioner (R.P.C. v. 682). William Rig also was a notary (R.P.C. xix. 563), and perhaps the James Rig who occupied lands adjoining Mildamhead in 1607 was his brother (R.M.S. 1593-1608, 1834). Another James Rig, "medicus," witnessed a charter at Dumfries in 1586 (R.M.S. 1580-96, 1989). As burgess he figures in bands of caution in 1597 and 1628 (R.P.C. v. 682 and xvi. 291). He or his son of the same name married Bessie Gledstanis in July, 1622 (Edin. Mar. Reg.), and later Margaret Norton, to whom he gave a liferent in Dumfries property on 7 March, 1642 (Dumfries Reg. Sas.). He was dead by April, 1649, when his younger brother, Robert Rig, was retoured his heir.

Some of the family were Churchmen. In 1575 a Schir Cuthbert Rig, writer in Dumfries, is recorded (Hist. of Johnstones, 93), and to the numerous progeny of Dom John Rig, chaplain in Dumfries, and

prebendar of Lincluden since 1547, we owe most of the genealogical difficulties connected with this family. In Dec. 1575, Dom. John obtained letters of legitimisation for his son George Rig, with reversion of his property to another of his sons, John Rig, dyer (R.M.S. 1546-80, 2476). Dom. John was brother of Peter Rig (1550), whose son John was heir of line to the prebendar (Aitken MSS). The prebendar was dead by 1580, when there are references to his tenement and land lying between the Stinking Vennel and the Mylburn (Laing, 997). His son, John Rig, the dyer, acquired from Dom. John Edgar, chaplain in the church of Carlaverock, 2 acres of land in Dumfries, lying between the above tenement, the land of Adam Walker and the Laripotts, for a rent of 24/8d. The dyer was dead by 1598, when the 2 acres were in the possession of the Haliday family (R.M.S. 1593-1608, 777).<sup>1</sup> The descent of George Rig, erstwhile bastard son of the Prebendar, is confused by the existence of another George Rig, also a bastard and son of John Rig in Dunreggane, notary. The latter had a charter of the 2½ merk land of Dunreggane in 1623 (R.M.S. 1620-33, 566), parting with it again in 1626 (ibid. 1129), probably at the instigation of Drumlanrig, whose bailie he was (R.P.C. xviii. 296). He was dead by 1636, leaving a son William and 2 daughters, Janet Rig, and Marion Rig, who was married to George Rig, son of the Prebendar. George Rig, son of the Prebendar, was a merchant burgess and deacon of the Crafts. In 1608, along with James Rig, also a deacon, he obtained relief from a suretyship (R.P.C. viii. 170), having just before been ordered into ward in Fife in connection with the Maxwell rebellion (ibid. 153). A curator of James Lindsay of Barcloy in 1624 (ibid. 666) he received a grant under wadsett of the 18 merk land of Hillis, and the 5 merkland of Nunland, together with the Kirk lands of Lochrutton (R.M.S. 1633-52, 433).<sup>2</sup> He died in Dec. 1636, (see his will in Edin. Tests. where is mentioned Barbara Rig, sister of Dom. John, and her son David Williamson), his daughters Mariota and Elizabeth being his heirs. A branch of the family must have settled in Glencairn, as John Rig, notary, was practising there in 1605-23 (R.P.C. vii. 584 and Laing, 1916), and John Rig, messenger in Dunreggane, who in

1. In Oct. 1596 a John Rig obtained 2 acres of Carlaverock Kirkland, in the Burgh, from his dead brother Archibald, son and heir of John Rig of Chapel. (Aitken MSS.).

2. On 10 Jan. 1566, Catherine Rig, spouse of John Maxwell, of Hillis, was liferented in Laggan (Colvend) by James Lindsay of Barcloy (Aitken MSS.).

1618 brought an action for grievous assault against Andrew Rorysone, of Bardannoch (R.P.C. xi. 450), also came from there.

The family seem to have adhered in part to the old faith. The proceedings against Robert Rig, wright, for marrying in 1634 Elspet Maxwell, "callit of Conhaith," in the fields, with popish ceremonies, are well known (R.P.C. xix. 260). Elspet, who in 1626 kept a hostelry in Dumfries, which was notorious as a shelter and tryst for Papists (R.P.C. xv. 427-8), was excommunicated, and Rig, who was a wright at the Brigend, was imprisoned at Edinburgh (Hist. of Johnstones, 107). He was dead by Dec. 1655, when his son Edward was apprenticed to a wright in Edinburgh. His children, Edward and Barbara, were his heirs portioners.

Returning now to Hugh Rig, witness in 1506, his son may be identified with Mag. Hugo Rig, burgess of Edinburgh, who acted as procurator and witness to numerous legal documents. Not only do the Burgh Court Books contain several references to him in Dumfries, but also in 1534, 37, 40, 41, and 42 he rendered the bailies' accounts to the Exchequer (Ex. R. xv. 371). On 10 Nov. 1537, he was admitted an Advocate. Next year he was justice-depute for the Earl of Argyle (Lord Wigtown's Charter Chest, 82). In June, 1539, along with his wife, Janet Hoppar and his son James, he obtained from the Monastery of Dunfermline, a 19 years tack of Carberry, county Edinburgh (Laing, 431), which tack was turned into a fen in April, 1541 (Laing, 453), and confirmed by the Pope in 1544 (ibid. 485, and 528). In 1545 he was collector of taxes (L.H.T. viii. 397), rendering account at Linlithgow on 25 June (R.P.C. i. 5). In March, 1546-7, he was procurator for Michael Lord Carlile in a lawsuit touching the lands of Torthorwald and Roucan (R.M.S. 1546-80, 75). In 1547 his servant received 6/- for remaining with his oxen with the artillery (L.H.T. ix. 119). He was dead by 1 July, 1555, when James Rig, his son natural, was infeft in Carberry (Laing, 633). A pedigree of his family will be found in Appendix D.

Another Edinburgh family named Rig, which was clearly connected to the Carberry branch, was that of Aitherney, sprung from a William Rig, burgess, of Edinburgh, who witnessed a Carberry charter in 1598 (Laing, 1355). He was probably a son of Magister Hugo, and was a bailie in 1612 and 1615 (R.P.C. ix. 407). His connection with Dumfries is easily established (R.P.C. ix. 21). Another Edinburgh branch was descended from Patrick Rig, cousin of James

Rig of Carberry, who was a cautioner for Carberry in Feb. 1562 (Cal. of Deeds, vi. 49). Patrick had 2 daughters, Marion and Janet, in 1580 (Cal. of Deeds, xviii. ii. 98), by Elizabeth Hoip, his wife, obtaining a tack of a house in Queen Street, Edinburgh, from James of Carberry, on 12 Ap. 1564 (Cal. of Charters, 1947). He was probably the ancestor of William Rig, elder and younger, merchant burgesses of Edinburgh.

**11a.**—The Townhead Street from the Moat to the head of the High Street had, in Edgar's day, three turns. Church Crescent did not then exist, and the road from the Townhead Port (which crossed the Street at the east end of Kerwyn Terrace) was by Academy Street, Queensberry Street and St. Andrew's Street.

Castle Street and the streets north of St. Andrew's Street and Friar's Vennel were opened up in consequence of the building of the New Bridge in 1794. St. Andrew's Street and Friar's Vennel were practically continuous.

**12.**—There seems no ground for Edgar's statement that the Kingholm was formerly called Comyn's holm. As early as 1335-6 the sheriff of Dumfries answered for the Castle Mote and certain demesne lands called Kyngesholm, formerly of the annual value of 60/-s, from which no rent was drawn that year owing to the devastation of the town (Bain iii. p. 318). The land cannot be proved to have belonged to the Comyns, or forfeited to the Crown.

Perhaps Edgar has confused Kingholm with Coningholme, which was the common name given to Dalgarnock Holmis, *alias* the Holmis of Nith, which Roger Grierson of Lag granted to his future daughter-in-law in 1593 (Liv. 3210).

It is not commonly known that in 1749 liberty was given by the Town Council to certain gentlemen to play at "goaff" on the lower Kingholm at the proper seasons (T.C.M. 24 Oct).

**13.**—Amongst the Town Charters is a disposition by Robert McBrair, of Netherwood, to the Provost and Town Council of Dumfries, of all and hail those 4 acres of land, or thereby, with the braes adjacent thereto, betwixt Sinclair's Vennell on the North, the brink of the water of Nith on the west, the little yard lately taken in by the vendor off the south corner of the said four acres on the

south, and the Queen's high road on the east, with the teynds, etc., thereof, together with his lands of Castledykes, holden of the Burgh in free burgage for service of Burgh due and wont. There is a clause of warrandice, and the witnesses are Robert Boyd, writer in Dumfries (who wrote the document) and Joseph Corrie, servitor to John Lanrick, of Terrery, 4 Nov. 1707. As Edgar shows elsewhere, the price was 11,000 merks.

**14.**—Surely the word should be “coble” (a fishing boat).

**15.**—The devolution of the Burgh fishings in the Nith is very complex. Briefly, the fishings were included in the Burgh Charter of 1395—“excepting the fish given and conceded in the spirit of Divine charity to the Minorite Friars.” This was confirmed in Oct. 1458. The town set the fishings to various tacksmen. Thus in April, 1524, Adam Wallace resigned into the hands of bailies, David Newall and John Bate, the tenancy of the quarter fishings which he held of the Town. A new set of them was made to Johne Halydaye. On 23 April, 1569, the Burgh obtained a Royal Charter of the properties and rights of the Grey Friars, which included their fishings. The Burgh, however, did not benefit, save in regard to the feu duty of £6, in so far as the fishings were concerned, for the Macbrair family held them under a feu from the Greyfriars. (See Moir Bryce, ii. 108).

On 7 April, 1575, David Welsch and Tom Mumorson “fischer” obtained from the town a 3 years tack, at £3 scot, of the fishing known as “Archibald Macbrair’s Quarter water,” *i.e.*, “the tyde of the said Quarter water of the Willie Pule, Glengae, fra the chapel of the Willies up to the march of the water of the College of Lincluden, as also the after tyde of his own water following next the said tyde of the said Quarter Water.” Macbrair’s Water seems to have been bounded on the south by the water of the Laird of Lag, and on the north by the water commonly known as Glengae.<sup>1</sup> This is the description of them in a tack of half of them on 10 May, 1592, by Robert Macbrair, of Almagill, to his brother John. Lag’s Water is defined in a tack to Homer Glencorss, dated 15 May, 1629, as “boundit betwixt the Yellow-hair-furd and Cargane Water-futt,

1. A John Elidun of Glenga flourished in 1367 (Reg. Hon. de Morton II. 64).

otherwise called Powsonce, the rentall being 60 salt salmon." Apart from the Friar's fishings, which must have stretched along the greensands to Castledykes, the Town feued out its fishings to the Cunynghame and Maxwell of Middlebie families. Middlebie's water must have lain between the Friars' Water and the Cunynghame water, which was called "the Ovir water, bounded betwixt the Caul callit the Chapel Caul (at the bottom of Bank Street), and the Pinfallburne." In 1632 Adam Cunynghame had sasine of this fishing, and one-half of the Lordeburn meadow, liferented to Elizabeth Maxwell, relict of Herbert Cunynghame.

In 1709-10 the salmon fishings in the Nith were made the subject of enquiry on Letters of Horning raised by the Town Council against Barncleuch, who was in possession of the Macbrair lands and fishings.

The Nith fishings, therefore, in the immediate vicinity of the Burgh, started with Netherwoods fishing on the south, then Lag's fishing, then the Castledykes fishing, followed by Duchrae's water, with Cunynghame fishing on the north, next the Lincluden waters. Over the Castledykes, Duchrae, and Cunynghame waters, Middlebie had a right of fishing one day in seven. Duchrae's fishing, which had been acquired by William Stewart, of Castle Stewart, was disposed of by him to Richard Lowthian on 28th June, 1784.

**16.**—This passage helps us to date Edgar's MS. with some certainty. He states that the Town Council and merchants "are acquiring" land for a better port. This implies that the negotiations had begun but had not been completed. Early in 1746 William Maxwell, of Nithsdale, presented to the Town 6 acres of land at Glencaple, to be used for a harbour. The Town Council, in return, granted a relief of all customs at the Brig Port, on any goods or wares passing over the Brig for the use of the Hon. William Maxwell, of Nithsdale, or his family (T.C.M. 9 June, 1746). It is scarcely conceivable that Edgar would have omitted mention of these transactions had he been writing after they had taken place. Nor would he have been silent over the building of a Beacon 14ft. square and 30ft. high at Saturness by the Town Council, in connection with the Glencaple shipping (T.C.M. 12 Sept. 1748), for which permission had to be obtained from the Lady Preston as Tutrix of her daughters (T.C.M. 17 Oct. 1748).



**17.**—The effect of smuggling from the Isle of Man on the legitimate traders of the Burgh is amply illustrated by a Petition of the Burgh to the Convention of Royal Burghs in 1709 (See Appendix A, No. 48). It is probable, however, that the burgesses were as deeply implicated in the illicit trade as the gentlemen Freeholders. In 1711, when it was proposed to revise the taxt roll, Robert Corbett, Commissioner for Dumfries at the Convention, stated the reasons why the Town's proportion should be eased instead of raised. "The total ruine and decay of the trade of the Burgh of Dumfries occasioned by the continual reving of tobacco and other goods by unfree traders living in the country, without the liberties of the Burgh, from the Isle of Man which we laid before the honorable Convention about 2 years agoe, and also we concurred with the merchants of the towns of Liverpool and Whitehaven to lay our grievances before the British Parliament, but hitherto have had no redress; but the said unfree trade does still continue and increas, to the great prejudice & ruine of our trade so that the greatest merchants in Dumfries who previously had a considerable trade, have now almost none at all; and as a convincing evidence of this, since the Union, there has not a ship come into our port from any forreigne place (except one small vessel from Dantzick), but we have had three taken and one wracked; and the port of Dumfries which used formerly to pay considerable duty to Her Majestie, has not these several years by past been able to pay the Custome House Officers their salaries, which can clearly be made known by the Custome House books." (Rec. C.R.B. v. 11). In spite of this eloquence and the support given by Perth, Dundee, Glasgow, Elgin, and Aberbrothoc, Corbett, though going through the form of appeal, was overriden.

**18.**—The Earl of Derby got a fresh grant of the Isle of Man from the Crown on 7 July, 1609. (Translation printed on pages 32-8 of the Duke of Atholl's "Case" (1765), in "Papers presented to the House of Commons respecting the Isle of Man; ordered to be printed 10th April, 1805"; also in the Manx Society's publications, vol. 9 (1862), pp. 99-113; and vol. 12 (1866), pp. 45-53).

**19.**—An Act of Parliament was duly obtained by the Earl at

Derby in 1610, namely Stat. 7 [more correctly 7 & 8] James I., cap. iv. (Private). (Printed in the same works as above). Its title is—"An Act for the assuring and establishing of the Isle of Man."

**20.**—On 24 Dec. 1764, a highly amusing report was made by the Commissioners of Customs and Excise in Scotland, to the Lords of the Treasury, regarding the extensive smuggling carried on between the Isle of Man and Scotland confirming Edgar's complaints in every particular. (Printed on pages 75-9 of "Papers presented to the House of Commons respecting the Isle of Man; ordered to be printed 10th April, 1805.")

**21.**—As explained above (note 19), an Act of Parliament was duly obtained by the Earl of Derby in 1610.

**22.**—The Milnhole Mill<sup>1</sup> must have been the oldest mill in the Burgh. It was certainly in existence in the days of Adam the Miller, circa 1259 (Bain i. 2176). In 1549 the Town Council gave a feu of it and other property to John McBair, the then provost, the feu including the dams and watergangs (R.M.S. 1546-80, 556). The charter affirms that the McBair family had had a tack of the mill beyond the memory of man.

On 31st May, 1638, Robert McBair of Almagill disponed the mill back to the Town, which writ is still amongst the Town Charters (T.C.M. 6 March, 1758). In 1734 the Town Council agreed to set the mill for 21 years at a rental of £2/10/-, to William Fergusson and John Grierson, dyers, on condition that they converted it into a

1. In 1616 the Milnhole was the scene of an outrage which illustrates the Christian spirit of the times. Certain members of the Dickson family had a grudge against one John Johnstone, a burgess. Not content with assaulting Johnstone whilst peacefully loading peats, Thomas, son of Herbert Dickson, who had hidden himself "in the most secreit pairt of the way callit the Mylnhoill, where few or none repair," waylaid James, son of John Johnstone, a child of 12 years old. His youth did not deter Dickson from "banding ane gairtane about his craig in the meantyme of his wirreing and murdering the young boy." But seeing a woman near bye, and afraid of detection, he took the boy and "slang him in the Mylnedame quhillk is a fadome deip of wattir." Had not Janet Chairtouris pulled him out, the boy would have been drowned. (R.P.C. x. 650).

Waulk Miln, and maintained the water course from the new dam or gill loch to the miln, and did not erect any further dams (T.C.M. 24 June, 1734). In Sept. 1746, it was tacked to Gilbert Paterson, who turned it into a snuff miln. On the expiry of this tack in 1757, Paterson was given another, but as he may have been getting old he stipulated that he might put into the snuff-miln James Breck, whom he had bred and trained as a tobacconist. As Paterson had a separate tack of Mildamhead, which he had greatly improved, he was considered a good tenant, and was granted a renewal of his tack for nine years at £8 (T.C.M., 27 Oct. 1757).

On 22 August, 1774, Breck was in jail for a debt of £38 for bygone rent of the mill. Grinding snuff could not have been a lucrative occupation. Four years later the mill was turned into a Bark Mill, and tacked to Thomas Walker and Robert Wilson, late Deacons of the Glovers and Skinners (T.C.M., 2 Feb. 1778).

**23.**—No light can be thrown on “mine author,” who is constantly quoted by Edgar. He was clearly some older writer on Dumfries. It is known that Maitland’s queries were referred in 1741 to the minister—Rev. Robert Wight. It is possible that Wight might have compiled an account of Dumfries, and that he is the “mine author” referred to. Perhaps the Rev. Peter Rae may be the author. Of his “Natural and Genealogical History of the Shire of Dumfries” only a fragment remains (Glasgow Bibliographical Soc. 1914).

**24.**—Perhaps these leather shoes were the same ones which Burnside records as in the possession of Riddell of Glenriddell. They were believed by Riddell to be Roman sandals. A drawing of them was made by Captain Grose. Burnside says they were found in the east end of the parish.

**25.**—The Crystal Chapel was the popular name given to St. Christopher’s Chapel, which formerly stood on the high mound now occupied by St. Mary’s Church. It is stated that it was founded by Christiana Bruce, in memory of her husband, Sir Christopher de Seton, son and heir of John de Seton, Lord of the Manor of Seyton

in Yorkshire, and Ermina his spouse. It has been generally held that Sir Christopher was a Scotsman, but there is ample evidence to prove that he was an Englishman, and of English descent, and that his ancestors had been associated with Hinderwell (Yorks.) and other lands from very early times. The first of the family of whom there is record is Osbert de Seton, who, between 1139 and 1148 received a demise of  $\frac{1}{2}$  a carucate of land in Hinderwell from the Abbot of Whitby (Whitby, Ch. 381). Osbert, with Ivo, his son, witnessed the concession of a gift of land to the Canons of Guisboro'. In 1176 Ivo de Seton was amerced for forest trespass (Pipe Rolls, 22 Hen. II. 116), and again in 1180 for the rapine of a ship from Norway, cast ashore on the Cleveland coast (*ibid.* 26, Hen. II. 68). Ivo de Seton's son, Adam, was also amerced for forest trespass in Northumberland, in 1200. Adam de Seton had married Matilda, daughter and co-heiress of William de Thurp, of Castle Eden, co. Durham, and had received from Peter de Brus in fee 2 carucates in Suthburness (Southburn), co. York (Dodsworth MS. vii. f. 327). From the attestation clause, it is clear that the date of this gift is before 1231. Adam also received  $\frac{1}{2}$  carucate of land in Skelton in Cleveland from Adam de Brus (Guisbro' Ch. ii. 329). In conjunction with his wife and Ivo his son, Adam confirmed to Guisbro' the gift by William de Thurp of land in Castle Eden, held of the fee of Robert de Brus of Annandale.

Ivo de Seton, when he succeeded his father, had to part with some of his lands. He had got into the hands of Jews named Joce, Aaron and Levi, of York, and on 20 Nov. 1234, an order was sent to the Sheriff of York directing the justices of Jews to give Ivo reasonable terms for arranging repayment (Close Rolls, 1234-7, 14).

Part of the "arrangement" may have been the sale of his manor of Castle Eden for 380 marks, with the consent of his Lord, Robert de Brus, to the Canons of Guisbro'. Richard, Bishop of Durham, appears to have refused consent to the transaction, but after his death in April, 1237, Ivo gave 3 marks to have the seisin of the land again (Guisbro' Ch. 382, and Bain i. 1345). The King thereon interfered, and directed the Keeper of the Bishopric of Durham to take into the King's hands the land sold by Ivo to the prior of Guisbro' (Close Rolls, 1234-7—450). A settlement of the matter was not reached till 1240, apparently after Ivo's death, when Robert, son of Robert de Brus, passed by fine in the Bishop's Court to John

Prior of Guisbro' the Manor of Castle Eden (Guisbro' Ch. 333, and Bain i. 1586). Between 1237 and 1240 Robert de Seton, son of Sir Ivo de Seton, is named as a tenant of lands in Hinderwell (Lea's Ancient Deeds, Vol. ii.), which he probably held by marriage to a kinswoman of Osbert, son of William Wyrfank (Whitby Ch., p. 382). At the same period, another Adam de Seton appears, who was beyond question a kinsman of Robert, son of Ivo, though the exact relationship is not established. In 1235 the above Osbert Wyrfrank had released to Marmaduke de Thweng his right in the advowson of the church of Hinderwell. This was followed in 1246 by an agreement between Robert de Thweng and Adam de Seton, to present alternately to that Church. (Whitby Ch. 382, and Yorks Feet of Fines, 28, n80; 38, n4).

This Adam de Seton held 2 carucates in Southburn at the death of Peter de Brus in 1272, and in 1279 was returned as holding  $4\frac{1}{2}$  carucates in Seaton and Skelton of Peter's heirs (Cal. Inquis. p. m. ii. 189). In 1281 half a Knight's fee in Seaton Hall (par. of Hinderwell), and Tockett's which Adam de Seton and John de Tocotes held, was assigned to the purparty of Marmaduke de Thweng in right of Lucy his wife (Close Rolls, 1279-88, p. 108). In 1284-5 Adam de Seton, now described as "Knight," held 4 carucates in Seaton Hall, and  $\frac{1}{2}$  carucate of the Fauconberg fee in Skelton (co. Cumberland). He also held lands in Southburn, and with Thomas de Lutton was tenant of a fee in East and West Lutton held of William de Wyrill (Cal. Inquis. P.M. ii. 366). In Hinderwell the heir of Robert de Seton (? Sir Adam de Seton) held lands which paid 18d. yearly of Wapentake fine in 1284-5 (Kirkby's Quest, 131). Adam de Seton died in 1288, holding lands in Yorkshire of the heir of Robert de Thweng, a minor (Cal. of Fine Rolls, i. 253). John de Seton succeeded and married Ermima daughter and heir of Thomas de Lasceles, by Christiana his wife, who was daughter and co-heir of William de Ireby of Ireby (co. Cumberland) by Christiana his wife, who was daughter and heir of Odard de Hodalm (Hoddam).

Christiana, relict of Thomas de Lasceles, married Robert de Brus, the elder, and was alive in 1292, in which year John de Seton and 15 others had quittance of the common summons of the Eyre for Common Pleas in Cumberland (Close Rolls 1288-96, p. 272). On Dec. 15, 1285, John de Seton received a pardon for trespassing

after red deer in company with Robert de Brus in the Royal Forest of Inglewood (Bain ii. 78).

In July, 1291, he was with King Edward at St. Andrew's (Bain ii. 501), and his name figures in the Ragman Roll. In 1292 he claimed free warren in Lambynby (Bain ii., p. 151).

On the 3rd July, 1298, he is mentioned as being with Brus on the King's Service in Galloway (Bain ii. 995). John de Seton, Knight, died in 1299, and on 11 Sept. an inquisition was held regarding his lands (Bain i. 1091, *et sequa*). He was seised of 15 ~~borates~~ <sup>borates</sup> of land in Southburn and the manor of Seaton Hall, both being held of William de Latimer and Lucy his wife. He also held part or whole of the Manor of Skelton, and had granted the towns of Gamalsby and Unthank to Robert de Brus, the elder, and Christiana his wife (Bain ii. 1690). It is known, too, that John de Seton had purchased from William Lockard his share of the estate of Richard de Levingstone which Lockard had by right of his mother Marjory, sister of Levingstone (Bain iv. 1776).

Christopher, son of the said John, was aged 21 years on 25th March, 1299 (Bain ii. 1091). On Oct. 4th following he did homage at Westminster for his father's lands (Bain i. 1102). On 3 March, 1303-4, he was at Lochmaben, in the English King's service, and sought a letter of protection from him (Bain ii. 1464), which was granted on 3 Oct. (Bain iv. 1796). Two years later he obtained the lands of Gamelsby and Unthank, and others belonging to his father, which had been life-rented to the widow of Bruce, the Competitor (Bain ii. 1690). For these lands he did homage on 12 Oct. 1305 (Bain ii. 1696). In 1305 Christopher appears as conveying land in Kirkandrews without leave to Adam de Twynham (Bain ii. 1717). In May, 1306, he was recognised as being in rebellion, his lands in Cumberland, including Gamelsby and Unthank, being forfeited and given to William le Latimer and Robert de Clifford (Bain ii. 1775-6). The reversion of his mother Ermina's lands in Durham, which she held in dower, was also forfeited and granted to Geoffry de Hartlepool on 4 Oct. 1306, and in the following year she petitioned the King with regard to land in East Linton, Yorks., which she held in dower (Bain ii. 1841, 1904). Early in the War of Independence he was captured at Loch Doon (Tytler i. 229) by the treachery of Sir Gilbert de Carric (Seton's History of Setons i., p. 76, but see Scots Peerage ii. 425),

charged with complicity in the murder of Comyn, and was drawn, hanged and beheaded on the spot where the Chapel afterwards stood. The date of his execution is uncertain, but he is described in a grant, dated 4 Oct. 1306, as "lately drawn and hanged for rebellion" (Bain ii. 1861). An inquisition into his escheated lands was held on 29 Nov. 1306, and what had not already been granted away by the King, was conferred on Robert de Clifford. As late as 1308 we hear of the King's escheator accounting for 12d. from the rents of Christopher's lands in Carlisle (Bain iii. 11). His widow was also captured and interned at the Priory of Sixle, Lincolnshire, on All Soul's Day, 1306, and was given by the King the same allowance as Princess Marjory, also in confinement elsewhere, 3d. a day for expences, and a mark yearly for her dress (Cal. Chart. iii. 84).

To Henry de Percy was entrusted the task of taking Christopher's widow guarded into England (Palgrave, 359). In Dec. 1307, she seems to have been removed from Sixle to the care of Thomas de Gray (Bain iii. 27), but she must have returned to Sixle soon after. For at Sixle, or Sixhill, a house belonging to the Order of Semprynham, she still was in 1314, when on 18th July a mandate was issued to the Prior to set her free without delay, and to bring her to the King at York. Similar instructions were sent to the Sheriff (Rymer, 1st ed. iii. 489). On the same day were liberated the Bishop of Glasgow and Elizabeth wife of Robert the Bruce.

These details concerning Sir Christopher de Seton and his ancestors prove conclusively his English origin. It is, therefore, clear, that he was a renegade Englishman and not the patriotic martyr to his country's freedom as he has always hitherto been represented. It is true that he held lands in Annandale which on his forfeiture were granted to Robert de Felton (Palgrave, 302). But they probably came to him through his wife Christiana de Brus, sister of Robert I. Lord of Annandale.

As the writer of the Winton article in the Scots Peerage points out, it is probable that the Christopher de Seton, who was the traditional founder of the Scottish family of that name, may be identified with the Christopher de Seton who with his son Alexander witnessed a Lindores Charter in 1247, and not with the subject of this note.

Sir Herbert Maxwell states that Sir Alexander, brother of Christopher, was hanged at Newcastle along with 15 others, "the King's

injunctions being stern and strict that none of them were to be allowed trial." ("Robert the Bruce," 141; but see Bain ii. 485).

The choice of the site for the execution was obvious on account of its commanding position just outside what was the old Lochmabengait, on the road to Annandale and England. The Chapel must have been founded before the end of 1306, as in that year Robert the Bruce endowed it with a 100/-s yearly pension out of the King's rents of the Barony of Caerlaverock. A copy of the endowment charter has been preserved in the Hutton MSS.

The subsequent history of the Chapel is almost unknown. The Exchequer Rolls are silent concerning the King's rents from Caerlaverock, nor is it known how long the pension was actually paid. But it may be conjectured that the Maxwell family acquired the lands from which the rents, subject to the pension, were drawn. If this is the case, it is possible that the modern farm of Chapelhill, lying between Bankend and St. Columba's Chapel, derives its name from this source.

Until the year 1566 the records return only an echo of the Chapel. In the charter of endowment of the altar of St. Gregory in Dumfries, mention is made of a stone house belonging to Thomas, son and heir of William Stewart, burgess, which was "*super latas Montis Capelle vis le Chapelside*." (R.M.S. 1424-1513, 3335). But on 29 August, 1566, the then chaplain granted a feu of some lands within the burgh territory, of which the following is an abstract—(Liv. 2056):—

"Feu charter granted by Sir Mark Carruthers, chaplain of the Chapel of St. Christopher, founded near the burgh of Dumfries, for the augmentation of his rental and for certain sums of money paid, in favour of George Maxwell, provost, his heirs & assigns, of 2 acres of land belonging to the chaplainry, between an acre of land belonging to William Sawrycht on the west, the lands of the laird of Conhaith on the north, five roods of land belonging to the said laird and occupied by Herbert Rayning, burgess, on the east, and the common highway leading to the burgh, commonly called Lochmabengait on the south. In feu at twenty shillings Scots yearly, being the ferme formerly payable, with sixpence for augmentation, heirs doubling the same on first year of entry. Precept of sasine directed to



Master John Frude, bailie in that part. Witnesses,—Robert Hill, Thomas McCrone, and David McGee, notary public.

"29 Aug., 1566. Instrument of sasine (at hand of David Makgie, N.P.), in favour of George Maxwell, at Fishcross, of 2 acres described in preceding charter. Sasine given by Mr. John Frude. Wit:—Robert Hill and Thomas McCrone (Liv. 2057).

Another writ (Liv. 2778) also throws some light on the history of the Chapel.

"Instrument of sasine (at hand of John Magee, M.P.) given to John Maxwell of Conhayth his heirs and assigns, of  $2\frac{1}{2}$  acres of lands called St. Christopher's Chapel, beside the burgh of Dumfries, marching with the common street entering at Lochmabengait port on the south, the lands of William Sawrycht on the west, the lands of Robert Makkynnell on the north, and the lands in the hands of Herbert Rayning on the east, propriis manibus of James Geddes of Glengotho; in implement of contract of same date entered in the Commissary Court Books of Dumfries; reserving to James Geddes the Chapelhouse and yard with free entry thereto; for 28/6 Scots yearly; to be holden of Sir Patrick Moubray chaplain of the said Chapel and his successors superiors thereof. 12 Jan. 1584. Witnesses—Master Homer Maxwell, commissary of Dumfries, Robert Maxwell of Kelton, Cuthbert Cunynghame, writer, John Fergusone, webster, and David McMath, officer."

Of the persons mentioned in these two documents, James Geddes was for some time Customar of the burgh. His appointment had been made by the King, a fact distasteful to the Town Council, as most other burghs had the right of this appointment vested in them. Accordingly in 1583 John Merschell, commissioner, at the convention of the Royal Burghs was instructed to ask for a grant of the King's customs to the Burgh, on the plea that James Geddes was "ane stranger and gentilman of the cuntrie." The result was that on 17 July, 1584 the Convention ordered Geddes to appear with his accounts and bring with him his official stamp or seal and to be discharged from that office; the Provost and Bailies also to submit the names of "twa sufficient and qualefeitt personis" to be Customar and Controller from 1 Oct. following (Min. of Con. of R.B. i. 196, etc.).

Of the other persons named, Sir Mark Carruthers was the most prominent. In addition to being chaplain of this foundation, he was rector of Mouswald, a fact which points undoubtedly to his being a member of the family of Carruthers of Mouswald. As a notary public he seems to have enjoyed a considerable practice. His Proctocol Book is still in existence amongst the Drumlanrig papers and it is hoped that it may some day be published. It commences in 1531 and continues uninterrupted down to 1562, during which time, as Sir W. Fraser states, he appears to have been well employed by the inhabitants of Dumfries and the owners of adjacent property, in recording the transmissions of heritable property in that burgh, Lochmaben and neighbourhood (*Hist. MSS. Com. Drumlanrig Papers* i. 63). He took an active part in the agitation against the pretensions of the Archbishopric of St. Andrew's to hold jurisdiction over the Archbishopric of Glasgow. When James Beaton of St. Andrew's in Nov. 1535, raised an ecclesiastical storm by the public elevation of the Cross and the giving of Benediction in the Church of the Friars Minor in Dumfries, without first obtaining the consent of the Archbishop of Glasgow and in contravention of the privileges of that diocese, we find Mark Carruthers associated with Sir John Kennedy, vicar of Terregles, and Hugo Wallas, curate of Dumfries in a formal document of protest (*Reg. Epis. Glas.* ii., 551). We find him again a party to a similar protest when Cardinal David Beaton, nephew and successor of James, visited Dumfries, and without the consent of Gavin Archbishop of Glasgow, on 27 Nov. 1539, elevated the Cross within the house of George Maxwell, burgess there. These were the disputes about jurisdiction which terminated in the scandalous riot in Glasgow Cathedral, described by Joseph Robertson (*Stat Ecclesiae Scot.* Preface).

The George Maxwell mentioned in these writs was a burgess of prominence in Dumfries. In 1545 George Maxwell received £8 for supplying gunpowder for two small culverins which had been brought on 2nd Nov. from Edinburgh Castle to Dumfries on their way to Carlaverock, "for recoveringis of the Castell thair of furth the handis of the Inglischmen." The guns fired a shot weighing about 7lbs. and it took thirty horses to draw them at the cost of 3s. 4d. per day per horse (*L.H.T.* viii. 417 & 422).

George Maxwell was a bailie in 1547-8, when he received £6 13s. 4d. for the carting of more gunpowder to Lochmaben. He

was a bailie again in 1550 often witnessis charters of the period (R.M.S. 1546-80. 502). He was Provost in 1563-66 (Ex. R. xix. 223 etc.).

Of the later history of the Chapel, little is known. In Oct. 1715, great efforts were made to fortify the Town against the Jacobite forces who were moving south. The Rev. Peter Rae in his *History of the Rebellion* (p. 274) gives details of the hastily improvised fortifications at the Crystal Mount and elsewhere.

But in the previous year the Town had used the ruin as a useful quarry, giving permission to the Kirk session to remove "manie loose stones about and within the chappell callit Christopheris Chappell and some buttrages thereat" for the rebuilding of the Kirkstyle (Aitken MSS.).

On 7 May, 1715, the Trades considered the purchase of the site for a meeting house, Seton Laird of Barns being alleged to be the proprietor.

Finally, on 15 May, 1826, owing to encroachments and claims made to the site, the Town Council decided to apply to the Exchequer for a grant of the Mound, which had lately been acquired for a charity school by some ladies who had not completed the transaction.

C. K. Sharpe has placed on record that the site of the Chapel was used for many years as a place of interment for criminals hanged at Dumfries (*Hist. of Setons*, p. 93) but there is no evidence to support the statement.

Mr. George Seton, in his sumptuous *History of the Seton Family*, reproduces a scarce lithograph purporting to give a representation of the Chapel before the Reformation. He states that the lithograph was prepared from an old print in the possession of Major Adair (who erected a tablet commemorative of Sir Christopher in the churchyard of St. Mary's). A copy of this lithograph is in the possession of the Dumfries and Galloway Antiquarian Society.

From what is known of it, it seems to be a purely imaginative work, though the surrounding detail shows considerable knowledge of what the Town must have been like in the 16th Century. The late Mr. James Barbour, F.S.A. expressed in Feb. 1912, the following opinion on the lithograph, "The engraving is, in my view, worse than worthless. Its (the Chapel's) general form is unsupportable, and the architectural details are chronologically all wrong."

**26.**—Perhaps this “dub” may refer to the “Russell Dub,” which was the name given to a house and some acres of the vicarage lands of Dumfries, which were acquired by Provost John Corsane on 10 April, 1611, from Marc Gladstones and Marion Wright his spouse, John Gladstones his brother, a burgess of Kirkcudbright and his wife Helen Ramsay being parties to the grant (Aitken M.S.).

**27**—Kelton's Town House is mentioned in connection with some repairs to the Street between Lochmabengait and the brick Lodging commonly called Kelton's Ludgeing (T.C.M. 12 July, 1784). Charles Stewart of Shambelly owned a tenement near the Millburn brig, formerly belonging to David Robson, which may be the house referred to by Edgar (T.C.M. 3 June, 1754).

**28.**—The Murrays of Brocklerig were cadets of Cockpool, breaking off from the Murraythwaite family early in the 17th Century. Patrick Murray of Brocklerig kept the keys of Hoddam Castle when it was in the hands of Murray of Cockpool. The family only held Brocklerig for three or four generations and emigrated to America in the 18th Century. Brocklerig is now a farm on the banks of the Annan and the Milk, near their juncture. It is quite close to the ford so well described in the ballad of “Annan Water.” The site of Brocklerig's house has not been ascertained, but the head of his family, Murray of Cockpool, owned as early as 1563 a tenement “in the street callit Lochmabengait betwixt the tenement of William Sluchanan in Achintrait on the west, the tenement of John Newall on the east, the High Street called Lochmabengait on the north, and the way which leads under the yards betwixt the Chapel of the Blessed Virgin Mary and Lochmabengait Port on the south” (Cockpule Inventory No. 54).

**29.**—Mr. Barbour has traced the history of Lord Torthorwald's Bell (D. & G. N. H. & A. Soc., 1892-3, 130), as well as the Kirk Bell. From the inscription on the present Kirk Bell, he conjectures that the original bell dated from 1435-1464. This may have been the bell carried off by the English in 1570 (Chron. of King James VI.) It was probably to replace it that the Town Council borrowed on 13 Dec. 1570, the bell from Sweetheart Abbey for the space of a year (Huyshe's Dervorguilla 144), but kept it indefinitely.

**30.**— This statement of Edgar's is both inaccurate and involved. In spite of careful enquiries, it has been found impossible to trace the original writs of the Kelwood-Craigs property. The following notes can, however, be given.

It appears that originally the property was called Kelwode. As will be seen, there was in 1529 a Barony of Kelwode. At a later date the name of Craigs was introduced, and the property somewhat subdivided, erected into the Barony of Craigs. The first recorded reference to the property is in 1323, when Robert the Bruce granted to Richard of Culnehath (Conheath), Knight, the lands of Kelwode. The woods and hunting rights were reserved to the Crown, but Richard had power to cut enough timber for building, etc. (R.M.S. new vol., p. 529). It may be assumed that Richard received this grant in return for his services in the War of Independence. In 1332 Sir Richard de Culnehacht is mentioned in the Exchequer Rolls (i. 433). When Edward III. was over-running Dumfriesshire after Bruce's death, Richard de Colnhath seems to have submitted, receiving on 15 Oct. 1335-36, a grant of Bourland from King Edward, with the reddendo of a "sore" sparrow hawk.\* Eustachius de Makeswelle, the Sheriff of Dumfries, appointed by Edward on the same day, obtained a grant of the lands of Kelwode, with the same reddendo (Bain iii., p. 317). In 1343 Thomas de Culynhath, perhaps a son of Sir Richard, received the sum of 5/8d. from the King (Ex. R. i., 532). Kelwode, however, a few years later, was again in the hands of the Conheath family, for a Royal grant (circa 1342) is recorded, of the lands of Culnehethe, Burland, and Kellwood, and of Foullarton, co. Roxb., to Malcolm Conhethie (R.M.S. new vol., 1306-1424, p. 567). On 6 May, 1370, Thomas de Culnehathe, perhaps a son of Malcolm, was granted by King David, on his resignation for this purpose, the lands of Keldewod and Bourland. The rent was a pair of gilt spurs annually, if asked for. The charter mentions the grantee's son Malcolm (R.M.S. new vol., 1306-1424, p. 108).

In 1433 there is mention of John Mur, Lord of Keldwod, as a witness (Drumlanrig Papers, i. 52). He may have been a descendant

\* "Sore" (Low Latin, *sorus* or *saurus*) means reddish-brown, and is now obsolete, except in the diminutive "sorrel," now almost exclusively applied to horses. As applied to sparrow-hawks, it means a young hawk of the first year which has not yet moulted.

of John de la More, Under-Sheriff of Dumfries in 1347 (Bain iii. 1493).

The next notice we have of the property is on 10 Jan. 1440, when Thomas de Corry received a grant of certain lands in Ayrshire, together with the lands of Kelwode and Bourelandis (or Borowlandis), in the sheriffdom of Dumfries, which George de Corry resigned (R.M.S. 1424-1513, 257).<sup>1</sup> Five years after acquiring the property, Thomas de Corry parted with half of it, viz., the lands of Ballimness and part of the lands of Cragincalye in Ayrshire, together with half the lands of Kelwode and half the lands of Bourelandis in Dumfriesshire—which were granted to John of Crauforde and his heirs, whom failing, to Asplanus, Robert, Roger, James, George, Adam and Fergus, his kinsmen, reserving free tenement to Asplanus de Crauforde, father of John, and the usual thirds for Christina, his mother (R.M.S. 1424-1513, 287). Kelwode was thus divided into Nether and Over Kelwode, the former remaining in the possession of the Corries, and the latter, known as Over-Kelwode, Kelwode-Craigs, or Over-Craigs, passing to the Crawfords of Kers. One hundred and ninety years were to pass before they were reunited under one owner.

Though Thomas de Corry thus parted with Over-Kelwode, he seems to have held a tack of the land from the new proprietor as late as 1480 (A.D.C., p. 55). In 1516 the Corries of Kelwode obtained a large territorial accession by the purchase of the lands of Newby by Thomas Corrie of Kelwode (probably a son of the above) from Herbert Corrie of Newbie his cousin (R.M.S. 1513-46, 145). The sale was probably effected with a view to the consolidation of the Corrie lands against the claims of the Johnstone's on Newby. For in 1529 Newby and Nether-Kelwode were erected into a Barony called the Barony of Kelwode, comprising the lands of Newby, Cummertrees, Robgill, Priestwood-syde, Salcotts, Ryvell, Nether-Kelwode, with the Manor place and Bourlandis, together with numerous lands in Ayrshire, a Crown Charter to that effect being granted to George, son and heir apparent of Thomas Corry, of Kelwode, to whom free tenement was reserved (R.M.S. 1513-49, 815). But the family's enjoyment of the Barony was not long lived.

1. This reference has escaped the notice of Miss Corrie, the historian of that family, or it would have prevented her from identifying Kelwode with a place of that name in the Cumberland parish of Kirkandrews-on-Esk (Vol i. p. 141).

The interminable disputes for the property of Newby were brought to a close on Jan. 1535, when it was sold to William Johnstone, of Gretna (R.M.S. 1513-46, 1598). With it went Stapleton, Robgill, and Ruthwell (Hist. of Corries i., p. 151), so that all that was left to the family in Dumfriesshire was Nether-Kelwode. But even of this they were not to retain possession long, for on May 4th, 1546, the Queen granted the lands of Nether-Kelwode and Bourelandis, resigned by George and his father, Thomas Corry, to John Charteris, of Windehills, and Janet ~~MacKe~~ <sup>MacKe</sup>, his spouse (R.M.S. 1513-46, 3234). This is the last we hear locally of the Corries of Nether-Kelwode, but for almost another century they lived in Ayrshire, still calling themselves the Corries of Kelwode.<sup>1a</sup>

In 1549 John Charteris of Kelwood was a baillie of Dumfries (R.M.S. 1546-80, 556). In June, 1597, Robert Charteris, doubtless a son of this John, resigned these lands and others in the Stewartry, and received a charter of Quitclaim to himself and his heirs male bearing the name and arms of Charteris. On Dec 10th, 1585, he and his son James were included in an Act of Indemnity granted to the Earl of Morton and his supporters (S.A.P. iii. 389). Robert must have been dead by Oct. 1599, for on the 9th of that month sasine was given by the Stewart of Kirkcudbright to George Charteris, in the land of Nether-Kelwode, Overtoun and Bourelandis, and other property in the Parish of Balmaghie, on payment of £57 8s. relief (Ex. R. xxiii. 432).

George seems to have alienated them before 1602, for on 5 Feb. of that year the King granted to John Murray (of Lochmaben) and his heirs the lands of Nether-Kelwode, etc., which George Charteris of Kelwode owned, but which were vested in the King owing to his having alienated them without Royal consent (R.M.S. 1593-1608, 1285). Though a most careful search has been made through the papers of the Murrays of Cockpool, now at Scone Palace, no documents could be found bearing on their ownership of the property; but we know that on 21 Dec. 1635, John, Earl of Annandale, Lord Murray of Lochmaben (described in the records as "domesticus servitor regis"), resigned the lands of Nether-Kelwode and Bourelandis, extending to a £10 land in favour of John Hairstanes of

1a. For further genealogical particulars of this family see the "History of the Corries," Vol. i. George Corry, of Kelwode, circa 1632, disposed of all his Ayrshire estates, and thereafter disappears from history (R.M.S. 1620-33, 1753 *et sequa*.)

Craigs and his heirs whom failing to his brother James Hairstanes and his heirs (R.M.S. 1634-51, 440).

Turning now to the devolution of Over-Kelwode, we find that for about a hundred years it belonged to the family of Gledstanes (the modern *Gladstone*). This family took its name from the lands of Gledstanes in the lordship of Liberton, near Biggar, in Lanarkshire, which lordship was held by the Maxwell family until 1538, when it was purchased by Sir James Hamilton of Finnart (R.M.S. 1513-46, No. 1883). In a charter of 21 June, 1532, by Hugh, Lord Somerville, as holder of the barony of Carnwath, under which the lordship of Liberton was held, it is stated that the lands of Gledstanes had been held "beyond human memory" by the Gledstanes family, under the Maxwells (Charter preserved among Edinburgh City Records). At all events we find mention of "Herbert de Gledstanes, of the county of Lanark," as early as 1296 (Bain's *Calendar*, ii. 186, 204, and 558).

To this family no doubt belonged Herbert Gledstanes, Rector of Dronok (Dornoch), who on 10 July, 1505, received a royal grant of the lands of Over Kelwode, which had been resigned into the King's hands by David Crawford of Kers, in discharge of a debt<sup>1b</sup> to the King, which sum had been paid by Gledstanes (R.M.S. 1424-1513, No. 2863). The Scottish records relating to Dumfriesshire and elsewhere contain frequent references to members of the Gledstanes family, among whom Herbert was a common Christian name, but genealogical particulars of the Rector of Dornoch are not yet forthcoming.<sup>2</sup> On 21 April, 1504, he had witnessed the foundation charter of the collegiate church of Lochvinezok (Lochwinnoch), (Reg.

1b. It was doubtless a fine, for a few years later Matthew Campbell received a royal gift of half the £20 lands of Kers, then in the King's hands, by reason of the escheat of David Crawford, then at the horn for crimes committed (R.S.S. i. 2267). David had had sasine of Keldwod and Bourlandis in 1501 (Ex. R. xi. 466). Kers was held by David from Hew Campbell, of Londoun (R.S.S. i. 1911), and the escheated portion of it was redeemed in 1511 (L.H.T. iv. 149). In 1526 a Bartholomew Crawford owned Kers, and had a son named David (L.H.T. v. 271). His brother Duncan was tacksman of the 5 merkland of Cowbistoun, Wigtonshire, (R.S.S. i. 3436), and Sir Thomas Crawford, Vicar of Cummok (1528), was probably another brother (R.S.S. i. 3981).

2. He seems to have succeeded Schir Walter Quhitehead in the Rectory of Dronok, Quhitehead being Rector as late as 4 Jan. 1488, when he witnessed a charter (Herries Inventory, 28).



Ep. Glasg. ii. 516), and on 9 Nov. 1508, he endowed St. Gregory's Chapel in the parish church of Dumfries, as is narrated elsewhere in the present volume.

In 1509 Thomas Glaidstainis had got sasine of Overkeldwod, a fact baldly stated in an old index to records now lost. (Ex. R. xiii. 660). This Thomas was in 1508 "of that Ilk" in Lanarkshire (MS. Acts & Decrees, vol. 500, fo. 390). On 22 Apr. 1524, the town of Dumfries took action against Thomas Gledstanes of Kelwood touching the right to Lochirmoss.<sup>3</sup>

On 30 Oct. 1525, the Sheriff of Dumfriesshire was charged with £20 due from John Gledstanis of that Ilk for sasine of the £10 lands of Old Extent of Over Kelwod (Ex. R. xv. 637). He was a son of the preceding Thomas Gledstanes, as appears by a record of a suit for terce brought by Margaret Jardyng, "Ladie Kelwood," John's widow, on 20 Dec. 1537.<sup>4</sup>

On 15 May, 1536, the Sheriff of Dumfriesshire is charged with £20 due from Matthew Gledstanes of that Ilk for sasine of Uverkelwod (Ex. R. xvi. 607). He was John's younger brother, and successfully defended the suit brought in 1537 by his brother's widow, as mentioned above. On 9 Feb. 1538-9, Matthew, having an only daughter Mirabelle, and evidently despairing of further issue, made an agreement<sup>5</sup> with "his cousin" Herbert Gledstanes, tolerably well known as an eminent burghess of Dundee and Town Clerk there,<sup>6</sup> that he should marry her. It is provided therein that Herbert shall procure a dispensation from the Pope for the marriage, which was presumably within the extensive degrees prohibited by the Canon Law. The agreement pathetically explains that its object is "the wele and uphalding of the said Mathewis living and hous, and continuation of the samin to the surname." Matthew undertakes to convey, within twenty days of the marriage, his lands of "Kelwod

3. Cited from the "Deliberations of the Lords of Council," by J. C. Aitken, in his MS. "Notes of the Family of Gledstanis of Dumfriesshire and Galloway," purchased with other of his MSS. by the Dumfriesshire and Galloway Natural History and Antiquarian Society.

4. Fragment of Dumfries Sheriff Court Book, in the Register House, Edinburgh; copied in Aitken's MSS.

5. MS. Acta Dominorum Concilii et Sessionis, vol. xi. fo. 140.

6. See the account of him in A. H. Millar's "Eminent Burghesses of Dundee," (1887).

and Gledstanis and utheris" to Herbert and Mirabelle and their offspring, reserving to himself a life-interest, with reasonable terce for his wife Elizabeth Levinstoun. On 31 July, 1541, Matthew carried out the agreement as far as related to the lands of Over Kelwood, with the right of presentation to the Hermitage Chapel of St. Laurence the Martyr on the said lands, and to the Chapel of St. Gregory (Pope) within the parish church of Dumfries, the conveyance receiving the royal confirmation on 7 July, 1542 (R.M.S. 1513-46, No. 2721).<sup>7</sup> As Matthew's wife is not mentioned in the conveyance of 1541, it may be presumed that she was dead before then. There are several references in the records to Matthew Gledstanes of that Ilk in connection with the Lanarkshire lands during the years 1542 and 1543.<sup>8</sup> He probably died in 1554, and by 16 July, 1555, his daughter Mirabelle was dead also, since on that date Mr. John Gladstanes, a well-known advocate and Lord of Session,<sup>9</sup> obtained a royal grant of the right to dispose in marriage of "Walter Gledstaines, son and heir apparent of the late Mirabell Gledstaines of Over Kelwood." (MS. Privy Seal Register, vol. 27, fo. 122).

Herbert Gledstanes, of Dundee, in his character of notary public, appears frequently in the records, but in his own affairs he is described "of that Ilk," and "of Over Kelwood." He died intestate in October, 1569, leaving a considerable family, most of them probably by his second wife, Margaret Hepburn, who survived him, one of the sons being George, the future Archbishop of St. Andrews (Edinburgh Commissariat; Testaments, vol. 2, under 1570, Apr. 20; Decrees, vol. 4, under 1570, 19 Jan.—20 Apr.)

On 11 May, 1570, the Sheriff of Dumfriesshire is charged with £30 due from Walter Gledstanes for sasine of the lands of Over Kelwood and of the right of presentation to the two chapels, and with another £15 due on account of sasine not having been obtained during the preceding term, making in all £45 (Ex. R. xx. 408).

7. Nisbet (*Heraldry*, 2nd ed., vol. i. p. 261) wrongly locates Over Kelwood in Galloway, and erroneously attributes the confirmation to King James VI.

8. In connection with proceedings taken by William Gledstanis of Arthursheil (Lanarks.) to compel him to acknowledge certain documents and to infest the said William in his lands (MS. Acts and Decrees, vol. i, folios 100, 257, 332, 341, and 501).

9. See the account of him in the *Dictionary of National Biography*, under *Gladstanes*. His relationship to the family with which we are dealing is not known. He occurs frequently in the Lanarkshire records.

This sum was still owing by Walter (who perhaps disputed its legality) on 27 July, 1583, when John Adamson, burgess of Edinburgh, became surety for him (Ex. R. xxi. 566). On 17 June, 1571, "Walter Gleadstaines of Over Kelwood," occurs as superior of the Lanarkshire lands (MS. Acts & Decrees, vol. 500, fo. 390), so he was entitled to be called "of that Ilk." On 10 Dec. 1585, under the name of "Walter Gledstainis of Craigis," he was included in the Act of Indemnity granted to John Maxwell, Earl of Morton, and his supporters (Act. Parl. Scot. iii. 388-9 twice). On 2 June, 1593, as "Walter Gledstaines of Craigs," he borrowed 100 merks from John Fraser, and undertook to infest him in an annual rent of 10 merks (MS. Register of Deeds, vol. 58, under the later date 1597, Aug. 22).

Very soon afterwards Walter Gledstanes must have died, for on 2 Jan. 1593-4 there is a reference in the records of John Gledstanes of that Ilk (MS. Acts & Decrees, vol. 145, fo. 98). On 1 Aug. 1595, as "John Gladstanes of Kelwode," he gets himself declared heir to his father in respect of the Lanarkshire lands.<sup>10</sup> On 4 May, 1598, as "John Gledstanes of Kelwood," he grants a charter of Wester Gladstaines in Lanarkshire (MS. Acts & Decrees, vol. 500, fo. 390). In the same year, on 1 September, James Gledstanis of Cocklaw<sup>11</sup> becomes surety that "Johnne Gledstanis of Craigis" will not harm John Maxwell of Conheath (R.P.C. v. 702). In the will of William Gledstanes, burgess of Dumfries, dated 13 Nov. 1601, and confirmed 14 May, 1603, a debt is noted as owing by the testator to John Gledstanes of Craiges (Edinburgh Testaments). On 8 Oct. 1602, as "John Gledstanis of Craigis," he becomes surety that John Maxwell of Keltoun will not harm Robert McBrair of Almagill (R.P.C. vi. 757). On 6 Feb. 1606, John Maxwell of Conheath becomes surety that John Gledstanes of Craigis will not harm the same Robert McBrair (R.P.C. vii. 626), and on 10 Feb., to complete the circle, Robert Maxwell of Dynwiddie becomes surety that Robert McBrair will not harm John Gledstanes of Craigis (R.P.C. vii. 626-7).

10. MS. Acts and Decrees, vol. 500, fo. 390, where, however, the record (a long list of deeds, not drawn up until 1637, and in which an error would be easily made) has "William" instead of "Walter" as his father's name.

11. Described in the record as "James Gledstanis of *Atrai* of Coklaw." The meaning of the words italicised is a puzzle. Cocklaw, now Ormiston, is near Hawick. The connection between the house of Cocklaw and the Gledstanes of the Lanarkshire lands (of that Ilk) is uncertain, though no doubt actual, if remote.

Then on 9 May, 1606, being evidently intent on putting his affairs in order, as "John Gledstanis of Craigis," he obtained his formal return as heir to his father, "Walter Gledstanis of Craigis," in the lands of Over Kelwood (Old Extent £10; New Extent £30), with the right of presentation to the two chapels mentioned above (Inquis. Spec., Dumfries, No. 36). On 11 July of the same year (1606), as "John Gleadstanis of Over Kelwood," having only daughters (see below), he obtained a new charter of his £10 lands of Over Kelwood, with the fortalice &c. and the two chapels, from the Crown, in order that his house and name might continue. The grant is, first, to John himself for life, then to the eldest son of George Gleadstanis, Archbishop of St. Andrews,<sup>12</sup> namely Alexander Gleadstanis<sup>13</sup> and Margaret Gleadstanis his wife and their male issue; whom failing, to the Archbishop and his male issue; whom failing, to Mr. Herbert Gledstanes, Schoolmaster (Iudimagister) of Dumfries<sup>14</sup> and his male issue; whom failing, to John Gledstanes, merchant burges of Dumfries, son of the late William Gledstanes, merchant burges there,<sup>15</sup> and his male issue; whom failing, to any heirs male whatsoever of the said John Gleadstanis of Over Kelwood, bearing the arms and name of Gledstanes (R.M.S. 1593-1608, No. 1776).

Having thus disposed of his lands, John Gledstanes was succeeded, as regards his personal property, by two of his daughters, Agnes and Elizabeth, on 13 Apr. 1619.<sup>16</sup> He probably lived until

12. He was a brother (or half-brother) of Walter Gledstanes of Over Kelwood, as noted above. The present grant is stated to be made in recognition of his services, and for a sum of money (unspecified).

13. Subsequently Archdeacon of St. Andrews. In 1638 he was ejected, and took refuge in England (Act. Parl. Scot. vii. 88). He died in 1641, having had a son (dead in 1649) and three daughters, who, however, do not concern us here. (Testament Dative registered in Edinburgh Commissariat, 28 Nov. 1662).

14. His relationship is unknown, and probably remote. He occurs occasionally in the records, for example, on 13 Nov. 1601, in the will of William G., burges of Dumfries (Edinburgh Testaments). On 17 June, 1611, he is described as notary and schoolmaster at Dumfries (R.P.C. ix. 680).

15. The relationship of William G. (and his son) to the maker of the settlement is unknown, and no doubt remote. William occurs several times in the records, dying in 1601. (See his will mentioned in the preceding note; confirmed on 14 May, 1603).

16. Inquis. Gen. Nos. 822-3. In the MS. Acts and Decrees (Vol. 382, fo. 297) under the date 1624, March 31, in connection with a dispute about the superiority

this time, and if so he saw his intentions with regard to the preservation of his house and name utterly defeated, for on 23 June, 1612, Alexander Gladstones, the Archbishop's son, resigned the £10 lands of Over Kelwood, with the fortalice &c. and the two chaplainaries, in favour of Matthew Hairstanes, an intimate court official attendant upon the Queen.<sup>17</sup> Hairstanes married Elizabeth, one of John Gledstones' daughters, and, if we may trust Edgar's confused and inaccurate account, the marriage took place in 1617, as the Court was passing through Dumfries to England. But it is much more probable that the marriage did not take place until 1619, and probably not until Elizabeth's father was dead, for on 8 July of that year Matthew Hairstanes obtained a new royal grant of the lands of Over Kelwood &c. to himself *and his spouse*, Elizabeth Gladstones, and their heirs (R.M.S. 1609-20, No. 2055).<sup>18</sup> In his coat of arms, as recorded by Nisbet,<sup>19</sup> his wife's arms are quartered as a compliment with his own, which fact has no doubt given rise to the erroneous notion of Nisbet and of Sir William Fraser that she was an heiress of Over Kelwood.<sup>20</sup>

over the Lanarkshire lands, John's daughters are given thus—Margaret, wife of James Watson, burgess of St. Andrews; Elspeth (or Elizabeth), wife of Matthew Hairstanes, of Craigs; Agnes and Bessie, one of them being married to John Hairstanes, burgess of Dumfries. But in the return of 1619 (mentioned above) we find that Elizabeth is described as "Elizabeth *alias* Bessie," which disposes of Bessie, and that Agnes was the wife of John Hairstanes is proved by a deed of 18 Feb. 1628, in which Agnes Maxwell, widow of John Gledstones of Craigs, assigns a mortgage of property in Dumfries to her son-in-law John Hairstanes junior, merchant burgess of Dumfries, and his wife, her daughter Agnes. (Deed in Dumfries Town Records). Agnes Maxwell's testament is recorded in the Dumfries Register under the date 1628, Nov. 9, and probably would confirm the above facts, which are, however, sufficiently well established.

17. "Assecle sanctioris cubiculi regine," literally, "attendant or groom of the more sacred bed-chamber of the Queen" (R.M.S. 1609-20, No. 678). Possibly Alexander wanted the influence of Hairstanes in connection with his application for the post of Archdeacon of St. Andrews, in which character (curiously enough) he appears on 8 July of this very year (R.M.S. under 1612, Aug. 6).

18. Nisbet (*Heraldry*, 2nd ed., vol. i. p. 261) erroneously gives the date of this charter as 1629.

19. *Heraldry* (cited above), among the subscribers' arms at the end of vol. i. plate 12, fig. 10; also in vol. ii. plate 10.

20. Sir William Fraser's *Douglas Book*, vol. i. p. xlvi. He is right, however, in stating that the Gledstones of Cocklaw came to an end with Janet Gledstones, who was alive on 21 Oct. 1726, but was dead by 21 Aug. 1734. (Charters at Cavers House, Roxb.).

The origin of the Hairstanes family cannot be traced. The first printed reference to them is in 1580, when Mathew Harstanes witnessed a grant of lands in Dumfries by M. Thomas Maxwell, Vicar of Dumfries, to John Corsane (R.M.S. 1580-93, 100). With the exception of James Hairstanes (1598), messenger in the Sheriffdom of Edinburgh (R.M.S. 1593-1608, 868), the name occurs only in connection with Dumfries or the immediate locality. In all the Registers of Testaments in Scotland the name only occurs 7 times—5 times in the Dumfries Register, and twice in that of Kirkcudbright. There is no reason to suppose that this James was of another family, or was other than the James Hairstanes, Officer of the Court of Assize in a process of apprising lands to Robert Charteris of Kelwode, 13 June, 1597, especially as David Walkar and Will Bautie, burgesses of Dumfries, served on the same Assize (R.M.S. 1593-1608, 579).

Mathew Hairstanes was granted by the King for his services in 1610 the 23 merkland of Middlebie, which had been disposed to him by John, 7th Lord Maxwell, on 10th Sept. 1607, sasine following on 9 March, 1610 (R.M.S. 1608-20, 219). He did not retain the property long, but reconveyed it to Robert Maxwell of Caerlaverock, son of the 7th Lord, who in his turn disposed it to his natural brother John Maxwell. (Barjarg MS.).

Mathew's three daughters may have predeceased him, for his nephew, John Hairstanes, received a charter of Craigs from him on 18 January, 1628 (R.M.S. 1620-33, 1188).<sup>21</sup> John Hairstanes married Agnes Gledstanes, the sister of his uncle's wife, thus ensuring that as much as possible of John Gledstanes' property should pass to the Hairstanes family. He may have adhered to the old Faith, for a John Hairstanes was present at a Popish marriage in the fields in 1634 (R.P.C. xix. 266).

To John Hairstanes, the nephew of Mathew, is due the credit of acquiring the remainder of the original property of Kelwode, *viz.*, Nether Kelwode, and consolidating it with the Over Kelwode and Craigs estate.

This, as has already been shown, was effected in 1635, when the two dissevered portions of the ancient property were re-united. The

21. James Hairstanes, who succeeded David Welshe as prebendary of Lincluden in 1617 (R.M.S. 1609-20, 1711), was perhaps a brother of Mathew.

Hairstones family retained possession of Kelwode-Craigs till 1739, and further particulars of this will be found in the pedigree in Appendix D.

Through the courtesy of Col. Mackenzie of Auchenskeoch, the present proprietor of the Craigs part of the property, it is possible to give the following notes, compiled from his private papers, concerning the modern devolution of his property. The Kelwode portion was again severed from the Craigs, and is now in the possession of Viscount Chilston.

In 1735, William Hairstones of Craigs signed a disposition in favour of Mary, Elizabeth, Isabella, and Winifred, his daughters, of the 10 merklands of Over Kelwode, with tower, etc., and Nether Kelwode, also Bonnerlands, in the parish of Caerlaverock, all of which had been erected into the free barony of Craigs, including Over-Craigs, reserving life-rent for his wife, Mary Maxwell (Reg. at Dumfries, June 17, 1738). Sasine and charter under the Great Seal followed. The next year the girls disposed of the property to Charles, Duke of Queensberry and Dover. From a decret of valuation of Teinds at the instance of this Duke, 13 July, 1768, we learn that the property comprised Over and Nether Kelwode, Mosside of Kelwode, Over-Craigs, Barnkein, Burnfoot, and Hightown of Craigs, and the park round the mansion house of Craigs. In 1802, William, Duke of Queensberry, minor, and Crawford Tait, his trustee, sold the lands to James McNeil, baker in Dumfries, who in 1807 further acquired the adjoining burgage lands of Wolfgill, formerly belonging to John Bushby, of Kirkmichael, writer in Dumfries.

Bushby had got into difficulties with the Douglas Heron Bank, and in 1782 his creditors took possession of Wolfgill and Kempleton. He re-acquired them, however, in November, 1786, only to part with them again in 1806 to Thomson, Wallace, and McCracken, writers in Dumfries, who sold the lands to James McNeil. McNeil did not hold them long, but disposed of Craigs and Wolfgill in May, 1809, to Sir Charles Douglas of Kelhead. The property then rapidly changed hands. Kelhead sold it in 1811 to Andrew Gray, formerly of Southfield, who obtained from the same person the superiority of Bruntscairth and Middledargavel, in June, 1814. Andrew Gray, merchant in Leith, eldest son of the above, was in possession in 1819. It is not deemed necessary to follow the history of the property further.

Of the Hermitage and Chapel dedicated to St. Lawrence on the lands of Over Kelwode nothing remains, nor can tradition point to its site. But it seems highly probable that it is from the cell or hermitage (Latin *cella*, pronounced kella) of St. Lawrence that Kellwood takes its name. The names of Over and Nether Kelwode do not figure on the Ordnance Survey, nor has a careful tour of the property thrown any light on the matter. Nether Kelwode, we know, included Overtoun, and a place of that name lies close to Shearington. It is, therefore, possible that Nether Kelwode lay south-east of Bankend, and Over Kelwode represented the modern form of Kelwood. If that is the case the Chapel of St. Lawrence may have been situated near the modern cottage of Kelwoodburn. A few yards below the cottage is a fine old well, and no better place could be found for a Hermitage. Close to this site is a mound called on an old Ordnance Survey Map the Mote of Kelwoodburn. Mr. A. O. Curle has examined this mote, and is of opinion that the construction is not a mote in the proper sense of the term. It may be classified as a "fort," for lack of a better term. He regards it as a late enclosure, and thinks it was largely intended for concealing cattle in, and protecting them from the ravages of the wolves, etc. On the same Map is marked the remains of a Tower at the Place of Craigs. Only a heap of stones is now visible; there is nothing to indicate masonry. But here may well have been the residence of the Gledstones and the Hairstanes. Though the last record of the Chapel is in 1619, it was one of the most ancient foundations in the district. It is alluded to in the Chartulary of Kelso Abbey (Vol. ii. p. 266) in an agreement between the Abbot and Convent of Kelso and Henry Wytwele, burgess, of Dumfries, dated 1215, regarding certain lands within the territory of the burgh. The lands are described as stretching as far as the road leading to the Chapel of St. Lawrence of Kelwode. (See D. & G. Antiq. Soc., 1892-3, p. 104).

**31.**—The Greyfriars Convent in Dumfries has been fully dealt with by Mr. Moir Bryce, who refers to the contributions of all the previous writers on the subject. In the Transactions of the D. & G. N. H. & A. Soc., 1912-13, Mr. Shirley has collected all the remaining material relating to this establishment. Where they have reaped, there can be little left to glean.

Edgar is quite wrong in imagining that there were two separate



foundations at different dates. Dempster alleges that the Convent was founded in 1262 by Dervorguilla. Certainly, the Exchequer Rolls prove that the Greyfriars were settled in Dumfries in 1264-6. From that time to the Reformation there is plenty of proof of a continuous occupation of the Convent by the Friars.

When the English held Dumfries for a short time in 1546-7, the friars suffered severely. They were compelled to adjure their faith, and their Warden, and two of their number were hung at Carlisle. The English certainly contemplated pulling down the Friary to build a fort, but there is no evidence that this was done.

**32.**—This passage, commencing with "This Convent of Grey Friars said to be founded by Dervorgilla," and ending with Duns Scotus, is reproduced almost verbatim by William Maitland, in his *History of Scotland* (1751), p. 261, which shows that Maitland must have had access to Edgar's work. In this connection it is worth comparing Edgar's reference to St. Michael's, with Gough's in his 1806 edition of Camden's *Britannia* iv., p. 67: "The church thus defiled with blood, was pulled down, and another built in a different place and dedicated to St. Michael." Gough's statement is clearly a verbatim copy of Pennant (*Tour* 1772), with the omission of the addendum, "The tutelar saint of the Town." Pennant doubtless took his information indirectly from Edgar, for he expresses his obligations to John Goldie, Esq., of Dumfries, for information as to the Burgh and county.

**33.**—The verses omitted by Edgar have been printed with a translation by Sir William Geddes, in *Musa Latina Aberdonensis* (New Spalding Club), and are, therefore, not reproduced here. Sir William gives as his opinion that Johnston holds high rank amongst the Latin poets of Scotland, being only surpassed by Buchanan. An exhaustive bibliography of the works and extant portraits of Arthur Johnston, M.D., appeared in *Scottish Notes and Queries*, 1895, a scarce reprint by Lt.-Col. William Johnston appearing the same year at Aberdeen.

**34.**—With the exception of a paper in D. & G. N. H. & A. Soc. 1888, by the late Mr. Barbour, and Mr. Paton's book, the Pre-

Reformation history of St. Michael's has received little attention. A few notes on the church and its vicars may be given here. The first recorded notice of the church is in the reign of King William who, in confirming the grants of previous kings to the Abbey of Kelso, added thereto the church of Dumfries, and the chapel of St. Thomas in the Burgh, together with 5 acres of land belonging to the church, and a toft in the Burgh belonging to that chapel (Reg. de Calchou, No. 4). License to alienate was withheld. This grant was confirmed in 1252 by Walter, Bishop of Glasgow (*ibid*, No. 279). To the church also belonged the tithes of Kars, liferented to Lawrence the clerk for 2/s. yearly (*ibid*. 11). Lawrence was probably vicar. Some land had also been granted to the church by Ranulf, son of Dunegal, circa 1160 (Scots Peerage vi. 287). It lay within the fork of two roads, one going to the church of St. Blaas, the other going eastward round a rock called Greneham, and thence by a path to its starting point. Another benefactor was Adam, son of Henry of Dumfries, his wife M..... assenting. The location of this grant is not given, but the land was occupied by Robert Lokemyth, Walter son of William, Robert Scot, Roger Sutor, Walter the flesher, Radulf the merchant, Alan son of Emma, Adam Summerswain and Alan de Bodha. These early writs have no dates, so it is difficult to assign the time when Martin the clerk was vicar (Reg. de Mailros, p. 184). He and his uncle Randolph, Dean of Dumfries, were parties to an arbitration relating to the above church, between the Abbey of Kelso and themselves. Perhaps the Dean claimed the patronage, for the terms of settlement were that he should deliver up certain charters relating to the benefice, in return for which the Abbey granted to Martin the church and chapels in the Burgh and in the castle, receiving 20 marks of silver as rent, with relaxation in case of destruction of the lands by war (Reg. de Calchou, 324). In 1250 Mag. Adam ..... was vicar (Reg. de Mailros, 279).

When the English held Dumfries in July, 1319, Edward presented an Englishman, Richard de Nateby, to the living. (Pat. Rolls 13, Ed. II. m. 40).

Another early vicar was Brice Keire, who, in June, 1349, was granted a papal reservation of a sinecure benefice in the gift of the Abbot of Abirbrothoc (P.L. iii. 349). The next recorded vicar was Gilbert de Mussald, who, in 1385, petitioned for an additional benefice, giving as a reason that the vicarage of Dumfries had been

destroyed by the English (P.P. i. 567). Gilbert was still vicar in 1394, having meantime become Official of Glasgow. In that year he successfully petitioned (1) for a canonry of Dunkeld, with the expectation of a prebend; and (2) for a canonry at Glasgow—in addition to his vicarage (P.P. i. 558 and 613). In 1408 Dom Thomas Corsane was the vicar (McDowall, 208). Our next vicar is John Ayton, who was assigned to the still void living which he had exchanged with the late Henry Tode<sup>1</sup> for that of Carlaveroch. The mandate was dated Aug. 1427 (P.L. vi. 496), and on 26 Sept. he received a Bull granting him the vicarage, whose fruits were stated to be 6 merks sterling (R.T. xxvi., f. 206). John Ayton seems to have lived almost till 1460. At any rate, in Jan. 1462, George de Scoriswoide (or Schoriswood), who, in 1452, had been rector of Culre and Master of Arts (Drumlanrig Papers, i. 57), as well as Clerk of the Rolls in 1442, and Chancellor of Dunkeld in 1452, was in possession of the vicarage, which was declared vacant because he had not been promoted to holy orders (R.T. xxviii., f. 284). But there were at least two competitors for the living. Gilbert de Rerik was first in the field, making oblation for the first fruits, valued at £20 sterling, on 16 Jan. 1462 (*ibid.*). John Makke was not far behind making oblation by procurator on 16 May, 1463, for the living, which was vacant by the death of John Ayton, and had been collated to Makke in form of surrogation, in right of George Schoriswood (now dead), one of two litigants at the Roman Curia (*ibid.* 308). It therefore looks as if on Ayton's death, Schoriswood obtained the living, and that Rerik tried to oust him on the spurious plea that he was not in holy orders, which plea was successfully rebutted. Schoriswood then died, and Makke promptly stepped into his shoes. But Makke had yet to deal with Rerik, who is found making oblation on 24 July, 1464, for the vicarage vacant, "*certis modis*" (*ibid.* 331). The previous month Rerik had obtained the prebend of Kirkmahoe and the parish church of Thankerton (*ibid.* 329), but it is not known whether he succeeded Makke on his death or in consequence of successful legal action.

In 1479 Mag. Roger Carruthers, a member of the Mouswald

1. It must have been in Tode's time that Archibald, Earl of Douglas, granted *inter alia*, "3 chalders of mele of the Kyrk of Drumfreis" to Michael Ramsay, as part of the sustentation of his office of Keeper of Lochmaben Castle. (R.M.S. 1424-1513, 143).

family, was vicar (*Acta Aud. i. 127*), and gave the church plate to St. Michael's. He witnessed the summons to Albany, which was affixed to the mercat cross that year (*S.A.P. ii. 127*). On 5 June, 1501, Mag. John Hugo, senior, appeared as vicar in congregation in Glasgow (*Mun. Glas. Univ. ii. 116*). Perhaps he was the "crukit vicar" who received Royal bounty in 1504. In 1507 Mag. James Heriot was vicar, and was elected procurator of the Scottish Nation at Orleans University (*Scots. Hist. Soc. xlv. 96*). He was still vicar in 1517 (*Drumlanrig Papers, i. 61*). On 13 July, 1529, Dom. John Nenot made oblation for the annates of the vicarage, stated to be vacant by resignation within the Curia. Unless half the annates were paid within 6 months, Nenot had to certify non-possession. Clearly there was some difficulty in obtaining possession; indeed, Nenot proved intrusion by witnesses (*R.T. xxxii. f. 148*), but no particulars are vouchsafed. Perhaps the intruder was Schir John Saidler, who was dead by July, 1533 (*D. & G. N. H. & A. Soc., 1910-11, 27*), and is described as vicar in that retour. In 1551 Dom. Peter Brice was vicar (*R.M.S. 1548-80, 676*). In Sept. 1558, Mag. John Brice witnessed a Lincluden charter as vicar (*Maxwell Inven. 286*). On 19 Nov. 1567, he entered a protest against the disposal of the church plate (*D. & G. N. H. & A. Soc. 1910-11*). The plate had been given by Mag. Roger Carruthers, Thomas Car, and Mag. James Hend and other owners of the vicarage. Perhaps Car and Hend had been vicars at one time. Brice was curator for Margaret Maxwell of Kirkconnell in 1574 (*Cal. of Deeds, xiii. 302*), parson of Kirkpatrick Irongray (*Abbrev. Feu. Cart. i., 182*), and was still alive in 1579 (*R.M.S., 1546-80, 2889*).

Some complications which will have to be cleared up by the future historian of St. Michael's occur in references to a Schir James Brice, vicar of Dumfries, who was a witness in Oct. 1599 (*McDowall's Lincluden, 127*), and Mr. John Welshe, vicar, in 1568 (*D. & G. N. H. & A. Soc. vi. 116*). Perhaps Schir James Brice may be identified with Mr. James Bryson, minister of Dumfries in 1581. (*Bk. of Universal Kirk, 532*). Maistre Ninian Dalzell is described as vicar (*Aitken MSS.*), but if he ever was vicar, he changed to the reformed faith at an early date, being ordained in 1567, and deposed in 1579. Though ministers of the reformed faith took possession of St. Michael's, Catholic vicars were still appointed, hampered and harassed in their ministrations by the intolerance and persecution of the Rev. Robert Pont and his succes-

sors. In 1579, Mag. Thomas Maxwell was vicar, acting as attorney in addition to his spiritual duties (R.P.C. iv. 217).<sup>2</sup> He was presented to the livings of Morton (1580), and Gretna (1585), and was also Reader of Redkirk and Ranpatrick, and preceptor of Trailtrow (Scott's Fasti). He was still alive in November, 1591 (Herries Inven. 289), but was dead by June, 1602, when Elizabeth, his daughter, was one of his heirs portioners in the ecclesiastical lands of the vicarage, and the teind sheaves and small teinds thereof, valued at £10 6s. 8d. (Inquis. Spec.). He was succeeded by Dom. John Grier, vicar in May, 1606 (R.M.S. v. 1744).

St. Michael's church contained several altars and chaplainries, of which Mr. Barbour mentions :

(1) The altar of St. Anna, founded in 1547 by the Tailor Trade.

(2) The altar of St. Nicholas, of which the McBairs were patrons, and the Newark the endowment.

(3) The altar of the Blessed Virgin Mary, of which Schir Harrie Mersar was chaplain in Feb., 1519, when he was made a freeman (Aitken MSS.). On 10 April, 1520, he was in dispute with Thomas Makinnane concerning the lease of "our Lady Place." Schir Adam Broun was chaplain in 1534, protesting against a Hairstanes inquest (Burgh Ct. Bks. 15 April). Associated with this chaplainry was the service of "our Lady Chapel lights," of which Schir Herbert Gledstanis was appointed Maistre on 2 Oct. 1532, in succession to Schir Harrie Mersar (Aitken MSS.).

(4) The altar of St. Gregory in the chapel dedicated to that Saint, founded by Mag. Herbert Gledstanis, and endowed with land and a great stone house called "St. Grigors Place," lying on the west side of John Rawlings Close (Aitken MSS.). This is referred to in 1541 as formerly belonging to the late Schir Herbert Gled-

2. Pitcairn calls him the fighting henchman of Drumlarig. On 17 July, 1581, he petitioned for the taxt of Dumfries vicarage and the benefices of Redkirk and Trailtrow respectively (Aitken MSS.). On 20 March, 1588, he was granted sasine of the Sandbed mylne. On 10 Nov., 1589, he transferred it to William, 5th Lord Herries (orig. in Town Charter chest). From Lord Herries the mill descended through his 2nd son, Sir William Maxwell of Gribton, to John Maxwell of Gribton, who was infest on 26 Oct., 1629. The following October Maxwell and his wife, Jean Richardson, disposed of the mill to the Burgh. It was then a malt myln.

stanis. In 1575 it belonged to Schir James Gledstanis, who had let it to his brother John on 25 Nov. 1562.<sup>3</sup> Dom. David Makgee had been chaplain in 1509 (R.M.S. 1432-1513, 3335).

(5) The altar of St. John the Baptist.

(6) The altar of St. Andrew, of which the Haliday family were patrons, and Schirs David and Patrick Wallace the chaplains. In 1570 John Haliday had to produce his evidents, which were based on a sasine of 31 March, 1547, in favour of Schir David Wallace of the lands and rents of the altar (Aitken MSS.)

(7) The Haliblude altar, founded by the Cunyngham family. Part of its endowment was the Rude House lying in the Millgait, of which John Rogerson gave up all right in May, 1563. Schir James Gledstanis was chaplain of this service in 1575 (Aitken MSS.). In 1561 the rental of the service was given up by Mag. William Burnet, late Master thereof. Schir John Symson was presented to the chaplainry on 14 July, 1506, in succession to the late Schir John Crechtoun (R.S.S. i. 1302).

(8) The altar of St. Ninian, which was associated in some way with the Haliblude. They were apparently served by a single chaplain, Schir James Gledstanis officiating as such in 1548 (Aitken MSS.). He was brother of Mark Gledstanis, merchant in Dumfries, and son of Herbert Gledstanis, who was still alive in Feb. 1548-9. (See Mark's will in Glasgow Test.). In 1570 Schir John Sinclair was chaplain and liferenter (D. & G. N. H. & A. Soc., 1910-11, 242). He had previously sued the Town Council for arrears of his rentals on 5 Sept. 1563. In Oct. 1573, he was disputing with the Council over the "bluiding" of John Reid. (Aitken MSS.).<sup>4</sup> Amongst the Town charters is an interesting rental of St. Ninian's service, dated

3. It remained in the family as late as Oct., 1648, when Mr. Herbert Gledstanis, minister of Troqueer, gave sasine of it to Thomas, 3rd son of Herbert Gledstanis (Aitken MSS.).

4. On 7 Oct., 1535, the town had to take action against certain chaplains because they had not performed the day services contained in their respective charters of erection. The chaplains concerned were of Our Ladie Service, St. Ninian's, and the parish clerk. Others were appointed in their place, with "ane marrit man to be heid amangis thaim." The discharged chaplains were Schirs David Welsche and Richard Maxwell. (Aitken MSS.). At about the same date Schir John Oliver was chaplain of St. Ninian's Service, receiving by forfeit a tenement in Lochmabengait from Richard, son of the late Gilbert Macruith (*ibid.*).

1561. Part, if not all, of the endowments were called, "Howesown's rent (see App. A. No. 27.)."<sup>5</sup>

As to the kirklands of the vicarage, these were disposed of by Mag. Thomas Maxwell in 1580. Three acres were granted to John Corsane (R.M.S. 1580-93, 100), and three more were acquired by David McGhie, burgess, in feu for £10 scots, and 6/8d. augmentation on 28 Feb. 1580 (Abbrev. feu cart. ii, f. 130). On 15 April, 1585, Mr. Thomas granted 6 ruids of the glebe to John Annand, son and heir of John Annand, burgess, for 6/- scots feu (Reg. of Production of Charters of Kirklands, f. 131b), and on 16 March, 1598, granted to John Gledstones, physician, the merkland "callit the out-field viccarie," for the feu duty of 13/9d., with 2 bolls of oats as teind sheaves (ibid. f. 131a). He also alienated 7½ acres of vicarage lands on 22 Sept. 1591, to John Irving and Elizabeth Kellock his wife (Aitken MSS.). But the Kirk must have owned other properties, such as the tenement in the Yairdheids, held in feu from the Friars, which was bequeathed to the Kirk by Schir John Walcar parson of Dalton, circa 1526 (Aitken MSS.).

Amongst the recorded incidents connected with St. Michael's, reference must be made to the episode of 1539 (Reg. Ep. Glas. p. 553), when Cardinal David Beaton elevated his Cross (see Note 25). The Church was also the scene of an unauthorised service on Christmas Day, 1574, when, on the Minister and Reader declining to hold a service, the inhabitants of the Burgh proceeded to import a Reader of their own, and hold a service (Bk. of Universal Kirk, i. 334, and Hay Fleming's *Reformation*, 440)."

The year 1607 saw several disturbances in the Kirk, one of them relating to burials within the building. On 4 July the Session petitioned the Privy Council, complaining that the acts for discharging burials in kirks had long been observed in Dumfries, till a recent regrettable recurrence of the practice. On the death of the wife of ..... Irving, burgess of Dumfries, he and his son John, with a "grete number of insolent and lawless personis," brought the corpse

5. This was probably the chaplainry without cure of souls, founded in the parish church by the late John Hawys, valued at 20 gold florins, of which Dom John McBrenny was chaplain in 1381, when he petitioned for the void church of Buittle (P.P. i. 556). He rendered the accounts of the bailies to the Exchequer in 1398 and 1399. (Ex. R. iii. 446-7).

of their mother to the Kirk, broke open the door by running at it "with grete jeastis," made a grave within the edifice, and buried her therein. The example was infectious; for getting wind of what was about to be done, William Frude and Alexander McBrair "brocht with thame ane uther corps at the same instant and layed the same in the Kirk"; whilst James Forsyth, at the same time, "verie inhumanelie oppynit his faderis grave (in the kirkyard where he had been interred six days before) lifted and raised his corps furth thair of, maid ane new buryell in the kirk and preist violentlie to have laid his father thairin." Summons were issued, but the affair was probably settled locally (R.P.C. xiv. 491). Another disturbance of the same year related to the Cunnynggham Aisle. Cuthbert Cunnynggham, of Conheith, notary burgess, and "Titular of the Ile," complained to the Privy Council that on 27 July John Rayning, of Gallariggs, and several relations had during morning prayers when the Kirk was full of parishioners, "with quingeris, acxis, foirhammeris, etc., raisit and cuist down the Cunnynggham stall, and removed it out of the Yle on to the Kirk flure." The said Aisle had been "biggit for our funerall, and heiring of Godis word," by the family past memory of man, and Cuthbert had erected there with authority, a stall. The Cunnyngghams promptly replaced the stall in their Aisle, whereupon, on the following Saturday, the defenders returned, completely demolished the stall, and "keist the broken tymmar and spaellis on the flure," threatening to kill Cuthbert (R.P.C. xiv. 512). Another disturbance took place the same year, when the Kirk session gave permission to the Young family to erect a desk or pew west of the pulpit, and above the grave of the late Archibald Newall, notary. The Youngs erected the stall at their own expense, but one Sunday whilst Patrick Young chirurgeon was "sittand in my awin dask disposing myselff only for the heiring of the Holy Word," James Newall, son of a deceased bailie of that name, attempted to eject him with a whinger. The Newalls being the aggressors were bound over in 1,000 merks each (R.P.C. viii. 2nd ser., 283). There was also a McBrair Aisle, where that family was buried. There is mention of it as late as 8 June, 1747, when the Town Council were summoned before the Lords of Session in a process raised by the Netherwood family anent their burying place in St. Michael's Church (T.C.M. of date). The Kirk session records for Nov.—Dec. 1682, contain a quantity of information with regard to the allocation of seats amongst the Burgh Families.



**35.**—This is a reference to the early Mystery Plays or Pageants, which were encouraged by the Pre-Reformation Church. They were performed at the Feast of Corpus Christi, or the Haly Blude, and developed into the May play and the modern carnival. The principal actor was the Abbot of Bonaccord or the Abbot of Unreason. He was supported by a Prior and other mock ecclesiastics. Sometimes they took the form and title of Robin Hood and Little John, with their numerous followers of the greensward (Burgh Rec. of Aberdeen, Spalding Club, i., xxiii.). The performances were burlesque, and became licentious. In 1555 they were suppressed, severe penalties being subscribed (S.A.P. ii. 500). The old customs were not easily stopped, lingering on for a long time.

**36.**—The so-called Castle, or Lord Maxwell's Town-House, has been dealt with by the late Mr. James Barbour, F.S.A. Scot., in D. & G. N. H. & A. Soc. 1905-6. Since his paper was written, some fresh material has come to hand which corroborates his statements. Edgar is quite wrong when he asserts that Lord Maxwell obtained from the Burgh in 1569 the land on which the edifice stood, and which land had belonged to the Franciscan Convent; and he is equally in error in stating that the edifice was built in 1572. On the other hand, though the actual site of the Castle was probably a Burgh feu, yet the castle grounds and gardens, as shall be seen, were obtained from the Greyfriars. It is to be regretted that it has not been possible to obtain access to the Maxwell papers. Fraser's Inventory contains an item which must surely refer to this site. In 1481 Robert Lord Maxwell obtained sasine of a tenement in Dumfries. The witnesses are given, but no particulars relating to the actual site. This sasine could not relate to the Moatlands, as the same Lord Maxwell had had sasine of them in 1466 (Ex. R. vii. 431), and as his Town House site is the only other known property of the family in the Burgh, it may be hazarded that 1481 was the date on which the Maxwells obtained the site. As Mr. Barbour points out, in 1545 Lord Maxwell described the edifice as his "new house." It is, therefore, clear that the site could not have been obtained from the Greyfriars in 1569.

But on 24 June, 1551, Lord Maxwell did obtain from the Greyfriars a feu of  $\frac{1}{2}$  an acre and  $\frac{1}{2}$  a rood of land in the east part of Friars yard, contiguous to his "Place" (Moir Bryce, ii. 104). To

this he probably added. Thus, by 1575 he had acquired the yard and Kirksted of the Greyfriars (D. & G. N. H. & A. S. 1910-11, 33), though these grounds were separated from the site of Lord Maxwell's House by the Straitfurde. In 1570 the Earl of Sussex "cast down" the Maxwell's House in Dumfries (R.P.C. xiv. 73n, quoting Calderwood).<sup>1</sup> The Maxwells at once rebuilt it, for, as Mr. Barbour points out, they occupied it in 1580. The rebuilding, and not the original edifice, as stated by Edgar, may have been completed by 1572, and it is probable that the stones of the Convent were used for that purpose. Edgar must be wrong in giving 1540 as the date of the pillaging of the Convent for this purpose. The Convent was occupied by the Friars for over 20 years later. But 1540 may well have been the date of the erection of the "New House" of 1545.

It was not till a good deal later that the building came to be called a Castle. When Maxwell, Earl of Morton, was commanded in 1584-5 to enter ward at Blakness, and surrender his castles, it was described as his "house in Dumfries" (R.P.C. iii. 725). When, in 1592, Letters were executed on Lord Maxwell there, Steven Glencorse yett porter witnessing the execution, the building was called "Lord Maxwell's dwelling place in Dumfries" (R.P.C. v. 753). It was not till December, 1607, that it first appears as the Maxwell's "Castle in Dumfries" (R.P.C. viii. 28).

In 1608, when John Lord Maxwell was outlawed for the murder of Johnstone, the Town Council was ordered to hand over the Castle to Sir William Cranstoun, to hold with a garrison (R.P.C. viii. 73). In 1621 the forfeiture was reduced in favour of Robert Earl of Nithsdale, brother of the outlaw (S.A.P. iv. 635), and the garrison would seem to have been withdrawn. In February, 1623, Lord Murray of Lochmaben received a charter of the "Palace of Dumfries," and the lands of Harkhauch and Carloverock (Scots. Hist. Soc. xv. 76).

Mr. Barbour states that the Castle was dismantled in the Civil Wars, and quotes the estimates for repairing it in Sept. 1659. The scheme was not undertaken, but we know that William Ross, of Rossyle, commissary of Dumfries, was given a sasine on precept by

1. On the east of the castle in 1573 stood the tenement of Janet, heir to her father, James Kirkpatrick, adjoining which, further east, stood the tenement of John Shortrig, son and heir of the late John Shortrig. (Aitken MSS.).

Robert Earl of Nithsdale, on 8 Oct. 1659, of the "Mansion-house in Dumfries, callit the Castle" (Maxwell Inventory, 810). It is quite possible that Edgar is correct in stating that the sasine was the result of numerous loans by Ross to Lord Maxwell. Burnside states that the Castle was described in some old sasines of the Duke of Buccleuch as "Magnum Palatum." Certainly it is thus described in the marriage contract of James, Duke of Monmouth, and Anna, Countess of Buccleuch, 1663, when the Countess resigns, for a new infeftment, *inter alia*, "All and hail the Great Hous or Pallace in Drumfres, with housis, orchairdis etc. pertaining thereto; and specialle the barnes & barneyairdis lyand to the eist of the Burgh of Drumfres, near the Tounheid thair of, possest by the deceist Robert Earl of Nithisdaille & his predicesoris; all & hail these twa backhousis & yairdis pertaining thairto lying near the water of Nyth, besyd the Sand beddis thair of, on the west & south-west sydis of the samyn Burgh, alsweill possest by the said deceist Robert," etc. (Scotts of Buccleuch, ii. 472). Lower down in the same document the lands are referred to again as "the great Ludgeing or Pallace in Drumfreis." In 1670 the Castle close was certainly in an unkempt and dilapidated condition (R.P.C. 3rd ser. iii. 654). The buildings were unoccupied, for though there was a garrison under Col. Hurry (or Urrie) in Dumfries, it was billeted on the inhabitants, with the result that there were constant disturbances. It was doubtless these troubles which led to the repair of the Castle for the use of the garrison. In 1675 the magistrates of the Burgh were in possession, making the edifice ready for a garrison. These repairs could not have been completed by 13 July, when the Privy Council ordered  $\frac{1}{2}$  a company of foot and 12 horsemen to be the garrison, for on 2 Sept. the Commissioners of Excise were ordered to get the Castle ready under pain of horning (R.C.P. 3rd ser. iv. 425, 473). In 1693 the Town Council was charged as superiors to infeft Lady Mary Maxwell "in that great house and palace of Dumfries," which had been decerned to belong to her by letters of Horning, 5 Feb. 1686 (Nithsdale Inventory, 155), on payment of 10,000 merks,<sup>2</sup> and not, as stated by Edgar, £1,000 sterling.

The site of the Castle has been definitely located as just in front

2. Perhaps the payment was in connection with the recision of his father's forfeiture, which Robert, 2nd Earl of Nithsdale, obtained in 1647 for a fine of 10,000 merks. (S.A.P. vi., Pt. i. 680).

of the present Greyfriars church (D. & G. N. H. & A. Soc., 1910-11, 25), which is built on the Castle close and garden (T.C.M. 20 Jan. 1724). John McDowall younger of Logan, who sold this site to the Town, had acquired a considerable part of the Maxwell's land in the burgh by disposition from William Earl of Nithsdale, on 21 June, 1715, for the sum of £140 sterling, "as the adequate value thereof." (Reg. Sas. Dumfries, 1 June, 1716).<sup>3</sup>

**37.**—Lord Maxwell's bond is rather a mystery. It has not yet come to light amongst the Town's Papers. But we know that "Robert Lord Maxwell's bond for the feus of his Castle yard" was taken out of the Charter Chest on 25 July, 1715, and examined (T.C.M. of date). Further, there was still extant in 1785, and mentioned in Malcolm's rough Inventory (T.C.M. 28 Feb.), as "Obligation by John Lord Maxwell to the Town of Dumfries.....1572." To which of these documents Edgar refers, and what they contained, is not known. But one or other, or perhaps both, caused the Town Council considerable anxiety in 1721, when the purchase of the New Kirk site was under consideration. The Council sent a Memorial to Charles Erskine of Barjarg, asking his opinion of the proposed purchase, and to what extent the Bond would affect the Titles. Unfortunately, a copy of the Memorial cannot be found. But from the "Answer to the Memorial," some idea of the difficulty can be gathered. Erskine gave no definite answer, as the legal aspect of the case depended on facts which were not ascertained. But it seems clear that the late Earl of Nithsdale had had a power to contract £3,000 of debt, and also power to sell for payment thereof, notwith-

3. In the sasine the property is described as "that waste ground whereon the Earl's Great House stands, with the high houses round the closs, now ruinous, with the great gardens at the back thereof, and the little yaird on the west side of the closs, together with the walk from the said garden to the River—all bounded by the High Street on the south, the houses and property of Dr. George Archibald and John Rule on the west, the Haugh lands of John Maxwell of Middlebie on the north, and the tenement of Robert Edgar, writer, on the east; and also the yard called the 'stackyard,' and a waste teynd barn lying eastward of the Castle, between the tenement of Robert Mitchelson on the north, the backbarn-raws on the east, the High street on the west, and the yaird of Thomas Cowrick on the south." Feu duty to the Burgh 6/8 for the Castle and gardens, and 1/- scots for the stackyard.

standing he had never been infeft in the property, though his son, Lord Maxwell, had been. Erskine raised a fresh complication by suggesting that the superiority of the land had been Temple lands, purchased by the Maxwells from Ross of Auchenlossan, who had obtained them by progress from Captain William Ross, in which event the Earl was not called on to be infeft *more burgi*, or have his sasine registered.

The Town Council was also apprehensive concerning alleged adjudications in the person of the Countess of Traquair and William Veitch, writer in Edinburgh, the former of whom had been infeft under the Great Seal. Erskine, however, gave it his opinion that there was no harm in the purchase, and that as to the Bond (whatever it may have been), notwithstanding its date and the forfeiture of the Earl, it would be good and valid. (See "Answers to Memorial," in T.C. Chest). From this it appears that the Maxwells had raised money from various persons on the Castle property, and that the Town Council were in doubts whether the Town would hold in priority of other creditors.

**38.**—Captain William Ross, of Drumgarlands and Rossisle, though not recorded in Dalton, was a vigorous Cromwellian. He was commissary of Dumfries from 1656-58, and perhaps longer. Amongst the Glen-Riddell MSS. at the Soc. of Antiquaries, Edinburgh, is the Commissary Court Book of those years. Though Commissary in 1656 (Scots. Hist. Soc. xxxi. 316) he seems to have been turned out of office the following year prior to August, but on General Monck representing him to be an honest man and a friend of his, a commission was passed under the Great Seal restoring him to office on 22 Sept. 1657 (R.M.S. 1652-9, 619).

Monck, in one of his letters, says of Ross: "For truly he has been as serviceable to me in giving intelligence and apprehending of rogues, that no man that I know in Scotland but are like him; and has never received any salary or encouragement for his pains." (Thurloe State Papers, vi. 443). In Sept. 1671, Ross obtained a charter of Mid-Glen in Newabbey from Archibald Stewart of Shambellie (McKerlie v. 22).

He was dead by the close of 1676, being succeeded in numerous properties which he had acquired, by Patrick Ross, in Formastoun,

a distant relative. These consisted mainly of Temple Lands in Dumfriesshire and the Stewartry, an annual rent from the barony of Newark, which he had obtained by reversion from David McBair, the templands of Gibbie's close, containing 6 acres of land, with teinds in the parish of Dumfries, the Maxwell's mansion house there called the Castle, with the moat in front thereof (*fundo ante castrum*), and the brewhouse, bakehouse, and garden called Frier-yard.

Francis Ross, of Auchenlossan, was his executor, who, dying, was succeeded by his grandson, Capt Francis Ross (younger), executor in 1704 for further undisclosed property of Capt. William (Edinburgh Tests.).

**39.**—James Ross, the dyer, had been obliged to humble himself before the Kirk Session on 5 Oct. 1673, for saying that he had given Martin Newall, late bailie, "the selling of 16 ells of shiff and of half ane plaid for his kindness and friendship" whilst bailie (Burnside). According to the Aitken MSS. as servitor of Francis Ross, of Auchenlossan, James Ross had been admitted burgess, with Auchenlossan, on 10 Oct. 1685, but the extant Register of burgesses has the dyer's admittance under date of 15 Aug. 1670. The relationship between these Rosses is difficult to determine.

**40.**—Mr. Hew Henderson, or Henrison, was admitted minister at St. Michael's on 30 Nov. 1648, being transferred from Dalry. He had previously (1643) been deputed to minister in the North of Ireland, and in 1645 had been chaplain of Col. Stewart's Regiment. He was joined as colleague on 11 Oct. 1658, by Mr. George Campbell, who married Henderson's daughter Rosina. The two ministers were imprisoned at Edinburgh in 1661 for refusing to observe the anniversary of the Restoration (Aitken MS.). Both were deprived of their livings on the Establishment of Episcopacy. The two at once started preaching at Corsockwood, where they are supposed to have lodged for a year ("Blacader's Memoirs," quoted in Aitken MSS.)

On 17 Oct. 1688, Mr. Campbell received a call to Edinburgh, but the General Assembly determined he should remain at Dumfries

Francis Irving, M.A., was translated from Traillfleet in 1645 to

Kirkmahoe. After taking his degree at Edinburgh in July, 1624, he served for two years as a schoolmaster in Dumfries. Deprived on Episcopacy, he was indulged in 1672 at Symington, but refused to act. Denounced for keeping Conventicles in 1674, he was imprisoned on the Bass in 1679, the Tolbooths of both Dumfries and Edinburgh being familiar to him (Scott's "Fasti."). Restored to Kirkmahoe in 1689, he died there in 1695, "as our Burial Register attests" (Burnside MS.).

**41.**—The reference must be to Harvard University, founded in 1636 by a grant from the General Court of the Colony. Two years later, the Rev. John Harvard bequeathed £800 and a small library to the new project. The College was formally inaugurated in 1640. At first the College was very poor, being sustained by subscriptions from friends in Massachusetts and England, with occasional legacies, such as £100 from the estate of Mathew Holworthy, merchant in Hackney, Middlesex. But at no time did the University advertise for benefactors (Bush's "Harvard."), as far as recorded.

**42.**—The Tolbooth must have been one of the oldest buildings in the town. There is good reason for ascribing its erection to the period November 1473-81 (D. & G. N. H. & A. Soc. 1912-13).

It experienced various vicissitudes being put in wadset from 1567-1576, and redeemed by the sale of the Greyfriars Convent (D. & G. N. H. & A. Soc. 1910-11, 205).

By 1718 it had got into a dangerous condition, and a committee was appointed to report on it (T.C.M. 14 Ap.). The committee inspected the high house or open prison, then the Tolbooth proper, below the high house, the four shops under the Tolbooth, and finally the three vaults below, and recommended that the forewall bounding on the High Street should be pulled down. Notice was given to the proprietors of the shops, Adam Kennan in Isle Steppes who owned the northmost, James Shillotson and Harbert Dickson merchants, Elizabeth Kellock relict of Simeon Pickersgill, writer and John McNaught, writer in Brigend (T.C.M. 16 June, 1718). A lean-to at the back was owned by Thomas Ferguson, taylor. But next year it was decided to pull the whole building down. This was commenced on 1 June, 1719. It was finished by 1725 when

the new building was allocated as follows: next the foredoor a convenient writing office for the Town Clerk; the inner part of the second storey was made a Council House; the upper storey was divided into three rooms, one for a writing school and the other two for the Town's use; finally the garret was used as the Town's Magasine (T.C.M. 7 June).

**43.**—Edgar's statement that the Prison or Pledge House was built at the King's command and the Town's expense, seems accurate. The Exchequer Rolls show no remission of rents due to the Crown, the form which any Royal grant in aid of the work would take. It was about 1578-9 that the Royal command was given to build the Prison. On 4th April, 1579, the Provost and Town Council sent a Petition to the Privy Council relating thereto. It was to the effect that they had recently been instructed by an Act and ordnance of the Secret Council, to build "ane sufficient prisoun-hous of three hous hicht" on the north side of the old Tolbooth, and to make "the condampnit prissoun in the boddum of the hous." When building operations were commenced, it was found that the ground on which the building was to be erected was "sandy and stanerie."

The Town Council feared that if prisoners were lodged in the basement, they might work under the walls and so escape, and therefore urged that the condemned cell should be on the upper or middle floor. It was further pointed out that in the basement, there were "slittis maid laich throw the same hous to let in the air" wherby, without the jailors' knowledge, the friends of the prisoners could converse with them and help them to escape. The Town's petition was granted, provided that the upper floor room was "suir & sufficientlie voltit" (R.P.C. iv. 129). The building was probably completed by 1583 as stated by Edgar. The necessary funds for the building were raised by setting in feu to James Browne and his heirs the basement of the prison (See Appendix A. No. 35).

Amongst the Town's papers is a bundle of documents referring to the erection of the Prison. Prior to its erection, the Tolbooth was used for this purpose, prisoners being warded in the Pledge Chamber there in August 1578 (R.P.C. ii. 24). The Tolbooth however was insufficient for its work, hence the building of the Prison.



**44.**—The history of the Market Cross has been amply dealt with by the late Mr. Barbour and Mr. Shirley (D. & G. N. H. & A. Soc. 1900-I, 85 & 1910-11, 201). In brief, its first appearance on record is in 1575 when the Council decided to feu it to the highest bidder on condition that it was rebuilt, it being in a very dilapidated condition. It was probably little more than a cross on a pedestal, but William Edgar merchant secured the site with a bid of 47 merks and 40s. annual rent. Sande McGown and Robert Mychelsone were his partners, and the Cross was re-erected by them in the edifice described by Edgar, substantially occupying the present midsteeple buildings. But there was no steeple in those days.

In 1690 Thomas McGown, merchant and afterwards Provost of Irvine, obtained permission to enlarge it as described by Edgar, and to provide a battlement for it, the style of which was later adopted for the battlement of the steeple. McGown added another storey to the building, thus making six shops instead of four. During these alterations the Cross disappeared and cannot be traced.

**45.**—"Oracles from the tripod." A Latin proverb.

**46.**—Edgar is wrong. The town of Liverpool never claimed the lands or orchard attached to Liverpool Castle. In 1669, Caryll, 3rd Viscount Molyneux of Maryborough, as Hereditary Constable of the Castle, laid out a new street through the Castle orchard, and proceeded to construct a bridge over the Pool, the further end of which bridge was built upon the waste lands of Liverpool. The town authorities at once destroyed that end of the bridge, and so raised the legal question as to the ownership of the waste lands, that is, whether they belonged to the town, or to Lord Molyneux as lord of the town and manor of Liverpool. Litigation ensued; but, after much bargaining a compromise was made, by which the town agreed to take a lease from Lord Molyneux of the manorial rights for 1000 years at a fixed rent, and Lord Molyneux agreed to pay to the town a nominal sum of twopence yearly in respect of his disputed right to make the bridge on to the waste lands. This compromise or agreement was made on 6 Oct. 1671, was renewed on 20 March, 1672, and was put into full legal form on 27 May of the same year (1672). (See Sir James A. Picton's *Municipal Records*

of *Liverpool*, vol. i. (1883), pp. 275-81; James Touzeau's *Rise and Progress of Liverpool*, vol. i. (1910), pp. 274-7, and the documents printed in Prof. Ramsay Muir and Miss Edith Platt's *History of Municipal Government in Liverpool* (1906), pp. 381-91. In 1777 the town authorities purchased the reversion of the 1000 years lease. Liverpool Castle itself was acquired by the Corporation from the Crown, first on lease in 1705, and finally outright in 1718. (See *Liverpool Vestry Books*, ed. by Henry Peet, vol. i. (1912), pp. 418-19, and 426-7).

**47.**—No record has yet been discovered that can throw any light on the origin or appearance of the Auld Brig of Dumfries. Tradition asserts that the present structure was erected by Dervorgilla. As most of the known bridges of that period were made of wood, so too may have been Dervorgilla's. Mr. Barbour has pointed out that it is reasonable to infer that she created a toll levied at the Brig for the endowment of the adjoining Greyfriars Convent, stated to be one of her foundations.<sup>1</sup> On 16 Jan. 1425, the Countess of Galloway granted by charter to the Greyfriars a toll levied at the Brig. A few years later the building was progressing but slowly and a Papal Letter was issued giving relaxation and absolution to every one who gave alms "towards the building of the bridge which has been recently begun" (D. & G. N. H. & A. S. 1910-11, 19). It is more than open to doubt whether the theory accepted by Mr. Barbour is correct—namely that this "recently begun" refers to repairs commenced. The wording of the Papal Letter is quite distinct. It contains no mention of "repairs." It therefore seems more reasonable to conjecture that the bridge referred to in 1431-2 was a new bridge, probably a stone bridge, which may have taken the place of another and different bridge,

1. This theory being based on two unproved assumptions, will not bear examination. There is no proof other than the notorious Dempster, that Dervorgilla even founded the Convent. Probably he confused Dundee, which she did found, with Dumfries. Nor is there any proof that she granted a toll over the Brig. This argument is based on the 1425 Douglas grant, which used the formula, "dedisse . . . et confirmasse." These words are to be found in most charters, and do not imply a previous grant. (Ballard's Borough Charters, xliii.). All that the grant can imply is that there must have been a bridge in existence at the time of the grant. But proof is still wanting that Dervorgilla had anything to do with either the bridge or the Convent.

which, if it existed, must have been a wooden one. Had the earlier structure been of stone, it might be reasonably expected to find reference in the Papal Letter to repairs and reparation.

On 4 Jan. 1452-3, James Earl of Douglas confirmed by charter to the Grey Friars the right to levy toll at the Brig. Both these Douglas charters are given verbatim in Moir Bryce's "Greyfriars in Scotland" (ii. 100, 102). Situated as it was, it is not surprising to find that the Brig is mentioned in charters of the period as the place where rent had to be paid or blanch ferme rendered. Thus for the Lordship of Galloway, the Douglasses had to render at the Brig annually a red rose at the feast of St. John the Baptist (R.M.S. 1424-1513, 309, etc.). So too had the McCullochs of Kirkmabreck (*ibid.* 948).

In a few years the bridge was in need of extensive repairs. In 1456 the Vicar of Kirkbean<sup>2</sup> was appointed Master of the Works of the Bridge of Dumfries receiving from the King £6 13s. 4d. (Ex. R. vi. 138).

The work was still going on in 1464 when the Vicar obtained a remission of £11 5s. 10d. from the fermes of Dumfries for the reparation of the Bridge (*ibid.* vii. 298). But the King must have been tired of the procrastinated work for in 1465 the remission was reduced to £6 13s. 4d. "for this year only" (*ibid.* 372). Thereafter nought more is heard of reparation.

With the Reformation, the Burgh was granted in 1569 the property of the Greyfriars which included half the Customs of the Brig (R.M.S. 1546-80—1848). The Friars had previously leased this moiety to John Johnstone in Nunholm, son and heir of the late Edward Johnstone, at a rent of £6 16s. 8d. (Moir Bryce, ii. 106). This lease was acquired from his granddaughter by the Burgh on 31 July, 1623.

But though the Burgh thus obtained the half of the Brig Customs, it had long held the other half from the Greyfriars on condition that the burgh repaired and kept up the structure. The date of this acquisition is unknown, but it must have been before 1522—when the Burgh possessed a Brig maister and when part

2. Magister John Oliver had been vicar of Kirkbean certainly since 1452, when as such he witnessed the 2nd Douglas Confirmation of the Brig customs. (M.B. ii. 103).

of the burgesses' fees on admission were allocated to the upkeep of the Brig and St. Michael's Church (See Mr. Shirley's paper on the Greyfriars in D. & G. N. H. & A. Soc. 1912-13).

From excavations which he made in 1884, Mr. Barbour has proved that the Brig was a nine arch structure (D. & G. N. H. & A. Soc. 1884). He gives the dimensions of it in full. It had on it two gates or ports—the "brig port" and the "frier port." These two ports were doubtless the result of the divided ownership of the right to levy toll (D. & G. N. H. & A. Soc. 1912-13, 307).

In 1563 both Ports were repaired and the causeway sorted (*ibid.*) and in May, 1564, various enactments passed by the Town Council relating to them (Aitken MSS.).

In 1576 more repairs were undertaken at the cost of £200. Of this sum £100 was taken from the Customs, the Common Guid and Friars mails, the other £100 being collected in the Town "of syk honest men as will showe thaimselfis beinevolent & godlie to the furderance of the said werke" (Burgh Ct. Bks. 2 Feb. ex. Aitken MS.).

In 1592 the Brig was once more in a bad way. The matter was brought before the Convention of Royal Burghs on 10 Sept. of that year by Herbert Rainyng, Provost and Commissioner for Dumfries. He tabled a supplication from the Burgh "craving support for the reparing thair decayit brig." The supplication must have been favourably received, for license was granted to Dumfries to impetrate the King and Secret Council for a gift of such import as had previously been granted to Irvine and Air, and, if such gift were granted, to levy the "dewties therein containit" and to account for the same every three years. A rider was added that no duty was to be levied without the King's leave. The King apparently did not grant the impost, for on 7 July, 1603, Dumfries again supplicated the Convention for an impost to repair the Bridge, only to have the matter held over till the next Convention (Rec. of Con. of Royal Burghs ii. 162).

But in 1605 the Convention of Royal Burghs seriously considered the Brig's condition. The Convention met at Dumfries on 1st July, and John Corsane, the senior commissioner for Dumfries, was elected moderator as a compliment to the Burgh. Beyond the usual Acts and Enforcements ordained at all such meetings, only

two subjects of local interest were dealt with. On 3 July, William Maxwell, bailie, of Lochmaben, comperit and produced a charter of erection of the Burgh into a Free Burgh, granted under the Great Seal on 20 May, 1579. This having been read, and Maxwell, on behalf of the Burgh, having consented to bear, *pro rata*, all the burdens with the other Burghs and to send representatives to the Conventions, the Commissioners admitted and enrolled Lochmaben in the number and fellowship of Free Burghs, and "has sett & taxit the said Burgh in the somme of 40 pennies of ilk £100 of taxation that salbe sett upon the burrowis." The Convention then turned to consider the Brig. "The samyn day, anent the supplication of the Burgh of Drumfries craiveand supporte be taxatioun to the repatioun of thair rwyneous brig, presentlie wysetit be the haill commissioners, contenewis thair ansuer thairto to the nixt generall Conventioun, and ordanis the samyn to be ane heid of the missive" (R.R.C.B. ii. 207). From this it would appear that the original structure of the Brig was in a parlous plight some 15 years before it was overtaken by the catastrophe which is described by McDowall (p. 383). Though the Convention took the trouble to inspect the Brig, it could come to no decision as to raising the funds for its repair. Procrastination was to the Convention the surest economy. At the next Convention in 1606 the Burgh's supplication again came up for consideration. But the Convention was no longer at Dumfries, with the ruined and dilapidated bridge—"thair brig habill to decay without tymeus remeid"—before its eyes. Accordingly the same decision as in 1605 is recorded in the Minutes of the Convention. In 1607 the same farce was re-enacted. But by July, 1609, the Convention seem to have sanctioned a petition to the King, and also a scale of duties, to be levied at the Brig—should it so please the King to order. On the 11th of that month the Provost and Town Council of the Burgh made representation to the Privy Council to the effect that their "verie large brig of mony hours" had become very "ruynous and decayit, both in the pendis and butis, the principall pillaris thair of, quharin the haill strenth of the brig consistis, being by the force and violence of the wattir of Nith so shakin as now thay ar not able longer to sustene the violence of the said wattir, bot at everie tyme of the rysing and swelling of the wattir, quhilk sometymes will ryse to the verie heicht of the brig, the said provost and baillies liukis for the utter overthrow of thair brig. Gif the samyn be not betit, helpit, and repairit

in tyme, it will not faill nixt winter to fall down." The petitioners state that the "pure" inhabitants are exhausted by the contributions uplifted of them in past years for the repair of the Brig, and request the Privy Council to authorise the rates of duties proposed for this purpose in an Act of the Convention of Royal Burghs. The duties were as follows: For every pack of goods crossing the Brig 2/-, every horse 16d., cow 16d., sheep 2d., lamb 1d., every pack of skins 2/- every daiker of hides 12d., every barque coming up the Nith to the Town 13/4, and every laden boat 3/4d. Power to uplift these duties was granted for 7 years, the burgh to account yearly to the Convention (R.P.C. viii. 316). It is to be presumed that the duties were levied and such income as they produced expended on repairs. But the revenue could not have met the needs of the structure. On the expiration of the 7 years on 30 April, 1616, the Provost and baillies again petitioned the Privy Council in language almost identical for an extension of the time. They stated that it would be impossible for "the haill Kingdome to big up that brig agane, gif it ane falls down, as God forbid." So they supplicate for a moderate and "tolerable dewtie" as before. The Privy Council accordingly extended the period for another 7 years (R.P.C. x. 507).

It is not known what repairs may have been carried out during this 14 years, but they were of no avail; for in the winter of 1619, the bridge collapsed. The Town Council must have at once approached the Privy Council, for on 10 Feb. 1620, the Register of the Privy Council records "ane missive to his Majestie from the Council anent the Burgh of Dumfries." No particulars of it are given, but the answer came back on 22nd Feb. in "ane missive from his Majestie anent the bridge of Dumfries, and conforme thereto ane missive to be written to the Provost and baillies of Dumfries to be heir the 9th March" (R.P.C. xii. 209). The provost must have appeared on that date and conferred with the Privy Council, the result being "missives to some baronis in Nithisdail, Annanderail, and Galloway, to be heir the 9th April anent the bridge of Dumfries" (R.P.C. xii. 229). Amongst the barons named, were Lords Heres, Sanquhar, and Garlies, Douglas of Drumlanrig, Sir W. Greir of Lag, Sir Thomas Kirkpatrick of Closburne, Maxwell of Dinwiddie, Murray of Cokpoole, Agnew of Lochnew, Vans of Barnbarroch, etc. (ibid. 251). Another missive showing the interest the King took in the bridge, was addressed by him to the Privy Council on 28 March (ibid. 241). But the barons summoned to conference

foresaw that they might be called on to render financial assistance to the Burgh, and discretely absented themselves on the 9th April. Some of them excused themselves as being engaged on other Royal business, and "the rest of thame nouthir compeirit nor send ane excuse." So the Privy Council on 19th April ordained that the barons, under penalty of horning, should convene with the Provost and baillies at the Brig itself, on the 4th May following, and confer as to its reparation and the necessary contributions thereto, and report in due course to the Privy Council (*ibid.* 251).

In pursuance of this Act, letters were issued to Lord Heres and the others (*ibid.* 273). But the conference could come to no decision. Accordingly, being bent on rendering assistance without imposing taxation, the Privy Council ordained on 10 May, 1620, that a voluntary collection should be made throughout the land for the repair of the Brig, of which "fyve of the best and strongest archeis and bowis of the same were overthrowe and rased to the ground the tyme of the lait storme that fell oute this last winter,"—fear being expressed that the remaining arches would collapse. The collection was to be in the hands of the Provost and bailies and their agents, who were authorised to traverse the county and crave benevolence. The provost was to keep a book recording each subscriber and the amount of his subscription, which was to be produced to the Privy Council on 1st July, 1621. Ministers were urged to stir up their parishes and congregations to help the good work. If not enough money was acquired by these means, an Act of Taxation would have to be passed, but, in that event, each subscriber would have the amount of his subscription deducted from his assessment (*ibid.* 261). But as could have been foreseen, voluntary subscription could not meet the needs of the case. Its failure is set out in the Brig Petition published verbatim by Mr. C. Carlyle Aitken (*D. & G. N. H. & A. S.* 1886-7, p. 18). It is undated, but Mr. Aitken conjectures that it was written in 1620. It may, however, date from the early months of 1621, or even later. After setting forth the calamity that has occurred, and narrating the failure of the scheme for voluntary subscriptions from the neighbouring barons and gentry, whose "charity was cold, and their dispositions most adverse from contributions of this kynde," the petition states that the Burgh had to do the work of rebuilding without assistance—which was completed within one year—in doing "whairof we have exhausted the common rent and patrimony of the town, and has lefte as much as ane

pennie thair of free." They accordingly plead for the "redemptiōne and relieff of our common rentis." In the meantime, application was made by the Burgh's Commissioner to the Convention of Royal Burghs for assistance. In 1621 the Convention, sitting at Aberdeen, decided to meet the following year at Dumfries.

So on 2nd July, 1622, a General Convention met at Dumfries, John Corsane, Senior Commissioner for the Burgh, being again elected Moderator. The first two days were spent in the usual business that engaged the attention of the Convention. On the 3rd day the Brig was under discussion, and a grant of £500 "usual of the realm" was granted to Dumfries for the repair of the Brig "being overthrowin and rased to the ground by the violence of the water of Nith," which sum was ordained to be collected according to the taxt roll. At this Dumfries meeting, the Convention passed in all 38 Acts on multifarious subjects, the last Act being "that the town clerk of Drumfries (Cunynghame) be paid £20 for directing the missives this year."

In 1623 the Convention sitting at Edinburgh ordained that Dumfries should produce at the next Convention an account of the employment of the £500 received for the repair of the brig.

The rebuilding took a long time. Indeed, it is not unfair to question the statement in the Brig Petition that the Brig was rebuilt within a year. On 17 July, 1627, the Town Council obtained from the Privy Council authority to levy for another seven years the same scale of duties at the Brig as in 1609 and 1617 (R.P.C. 2nd series, v. 367).

On 17 Sept. 1634, the Provost and Town Council supplicated the Privy Council for a further extension of the power to uplift for seven years the same specified tolls and levies for the Brig, stating that the need for the impost was as urgent in 1634 as in 1627, "for few weeks pass without something or other requiring to be done to the Brig." So the Privy Council having considered the great expense Dumfries had been put to "by building and restoring the bridge which was almost entirely destroyed by the flood, and that without assistance from the whole estates, agreed to extend the former Commission for another seven years (R.P.C. 2nd series, v. 368).

In 1681 the Burgh's right to levy toll at the Brig and within 12 miles up and down stream of it was disputed by various gentlemen



of the district, but was amply vindicated and rendered unassailable by an Act of Parliament (McDowall, 384).<sup>3</sup>

From time to time small repairs would be carried out. In 1719 "several bowis ruinous" were overhauled (T.C.M. 1 June); in 1726 the Council petitioned the Royal Burghs without effect concerning the "apparent danger of 3 arches of our Brig" (T.C.M. 18 July).

Another reparation to the Brig, which has passed unrecorded, took place in 1767. On 28 April the Town Council "considering that, by the breaking of the great storm of snow and ice last winter, the Bridge and Bullwark near the milns have suffered very great damage, and if not immediately repaired will be in great danger of going to ruin . . . ." proceeded to discuss the Report of the Magistrates, who, in company with Alexander Lawrie, mason in Newton Stewart, had viewed the Bridge. The Council agreed to contract with Andrew Twaddell and William Waddell, masons in Dumfries (T.C.M. under date). In the Town Council Minutes of 1 June, 1767, are to be found particulars of the contract, the total cost of which was to be £24/10/-, the Town to find scaffolding with a swing and tackle for letting down the stones.<sup>4</sup>

No notice of the Brig would be complete without a reference to thoughtful and suggestive summary of it contributed by Mr. H. R. S. Inglis, architect, of Edinburgh, to the *Dumfries Standard*, in March, 1909. Though he attaches undue importance to an inscribed stone dated 1610, which he discovered in the Brig, and which has been shown by another correspondent in the same paper to have come from a neighbouring house, and to have been incorporated in the Brig during recent reconstruction, he conjectures that the arch nearest the Maxwelltown side to be the only one existing since 1620. The width, 13 ft. 6 ins., he points out, is far too wide for a very old structure. Peebles Bridge, completed in 1464, was only 9 ft. 6 ins. wide. The present width can only indicate a 17th century rebuilding, whilst the low triangular tops of the piers (only one of which is

3. The Treasurer's Accounts for 11 Jan., 1683, show payment to 12 workmen for drawing stones on "slydes" to the bowis of the Brig. These were used for throwing from the Bridge to break the ice that had gathered above, and was threatening the Brig. (Aitken MSS.).

4. In 1775, the Nith being very low, some new stones were put on the brig, and the whole pointed. (T.C.M. 12 June). Three years before, to improve the traffic, the little old custom house at the east end of the brig had been pulled down, in spite of the protests of the tacksmen of the customs. (T.C.M. 19 Oct. 1772).

carried up to the parapet level) are almost unknown in Scottish Bridge construction prior to 1780.<sup>5</sup> Taking these conjectures with what the records tell us of the Brig, we have (1) the wooden (?) bridge till 1430; (2) a stone Brig (probably narrower than the existing one), which may not have been commenced till long after the date of the Papal Bull, and which was doubtless completed in 1464 by the Vicar of Kirkbean; (3) a virtually new and probably wider structure in 1620, which was practically the same Brig we have at the present day.

**48.**—In spite of its name, the New wark must have been one of the oldest buildings in the Burgh. Perhaps it may have got its name by way of contrast to the Tolbooth. It is referred to in the St. Gregory Foundation Charter of 1506, and may well have belonged at that date to the Cunynghame family. An inscribed stone from the building belonging to the D. & G. N. H. & Antiq. Soc. supports this theory. But before 1560 it had passed into the hands of the McBairs, and was recognised as Kirkland. It was part of the endowment of St. Nicolas Altar in the parish church. As such, the Town Council claimed to be second patrons of the Altarage, under the original Mortification, the McBairs being the first patrons. At the Reformation, Schir Mark Carruthers, with the assent of the McBairs, feued the New wark to John Edgar. The Town Council not being a party to the deed, laid claim to the New wark and the Altarage, and called on the McBairs to produce their evidents. These, the astute Archibald McBair declared, were lost. On 27

5. When, in 1791, it was decided not to widen the old Brig, but to build a new one, Mr. Stevens, the architect, who had prepared the plans for that widening, was given an honorarium. (T.C.M. 6 May). From the minutes of the Bridge Committee, 1791, we learn that the length of the old Brig at that date was 369 ft. from landstool to landstool, and that there were nine arches, affording 256 ft. 3 inches of waterway. In time of spate the river was known to rise 7 ft. perpendicular above the low water surface. At that date the eastmost arch was in the waterway, though so filled up that it voided very little water. (T.C.M. 26 May, 1796). When building the new bridge the contractors excavated the foundations of the 3rd pier at the east end of the old Brig. They discovered that it was founded on timber, 6 wooden beam ends projecting a little before the stone work of the pier at a depth of 6 ft. Can these have been the foundations of a pre-Fifteenth Century Bridge? The Town Council Minutes give no information as to the date of the destruction of the 3 eastern arches. There were still 9 arches in 1806, when Gough saw the bridge. (Gough's Camden, p. 67).

Feb. 1567, the Town Council sent a Petition to the King and Lords of Council, a copy of which is preserved in the Aitken MS. On 28 Feb. letters were issued under the Privy Seal forbidding the alienation, on the ground that the Regent Moray had promised the Town Council infeftment in the rents, fruits, etc. of the Friars, and the various chaplainries in the Burgh (original amongst the Town Charters).

The alienation seems to have taken place in spite of this prohibition.

In 1582, further litigation occurred between Archibald McBair and the Collector-General, and others. Archibald claimed that, having been infeft in heritage in the Kirkland callit the New wark for the annual feu duty of £6 and 13/4 augmentation, "these divers years bigane," and having paid the duties to Schir Thomas McBair, son of the late Thomas McBair, for the years 1577-9, he could not be called upon to pay stipend to Archibald Sinclair, reader in the parish Kirk, who claimed it. On 4 June, 1582, letters of horning were issued against Archibald, at the request of the Collector-General, who demanded his "3rd" as well. Suspension of horning was granted to Archibald, but it is not recorded how he got out of his difficulties (Aitken MSS.).

In 1648 David McBair acquired the lands of Kirkpatrick Irongray, and had them erected with the New wark into the "Barony of New wark," with the castle (castrum) of New wark as the chief messuage. In the edifice was a chamber used as a "Consistorie Chamber," which on 24 Sept. 1660, was turned into a guard house, the Town Council paying rent to James Welsh and Alexander Mullane (Aitken MSS.). Here lay Capt. John Dalziel with a company of foot, from Michaelmas, 1683, onwards (See Treasurer's Accounts), which were in addition to Claverhouse's dragoons, who garrisoned Lord Maxwell's House.

In 1653 the New wark was appraised from David McBair for a debt of 4,000 merks, at the instance of Robert Grahame, late bailie, and afterwards Provost, and Jean Douglas, his wife (R.M.S. 1652-9, 111). On 5 June, 1663, Reynold Graham, Esq. in the City of London, had sasine on letters of horning, obtained on 2 Dec. 1662, against George Rome, of Dalswinton, for a debt of appraising. On 26 August, 1709, William Graham (eldest son of William Graham of Ingleston), had sasine on an absolute disposition from the dec. Mr.

Reynold Graham. On 7 June, 1755 (see T.C.M.) the New wark, then in a ruinous condition,<sup>1</sup> was roup'd under the Act of 1597, and sold to Patrick Heron of Heron for £160, and 1/8d. sterling feu. This did not include the shop and vault belonging to the heirs of William McKitterick, late bailie. On 1 Sept. 1761, Heron disposed of "that ruinous tenement called New wark, which sometime belonged to Graham of New wark," to his grandson, Patrick Heron, eldest son of Patrick Heron of Heron younger (recorded in Stewart Court Bks. of Kirkcudbright).

McKitterick's shop and vault were not spared for long.<sup>2</sup> On 30 January, 1758, they were also roup'd as ruinous tenements, and sold to John Hynd, younger, writer, for seven guineas. Hynd had acted for Heron in his purchase of the New wark, and though it is not definitely known, it is probable that Heron took over Hynd's purchase, and consolidated the property, which rapidly deteriorated in value.

In 1764 a petition was presented to the Council by John Maxwell of Terraughtie and others, who were anxious that the Council should take over the site from Heron, and use it as an open market place (T.C.M. 30 Jan. 1764). As long before as 1752 a subscription had been got up for this purpose, but it had hung fire. But in 1764

1. This was the direct result of the fall of part of the edifice on the night of March 17, 1751. The Town Council had to pull down some more of it to make it safe. (T.C.M. of date). On 6 July, 1752, the Town Council had it valued. It was then stated to belong to William Graham, called of Newwark, or Patrick Heron, of Heron, or John Irving, of Logan, late Provost, or John Kennan, late bailie. The valuers said it was worth £140 (T.C.M. 27 March, 1753), but said that the basement and cellar were good, and in use as peat houses—hence the exclusion of McKitterick's shop at the 1753 roup. The total dimensions were given as 85 ft. in length, 49½ ft. in breadth, and containing 467 sq. yards 4 ft. 6 inches, and it was stated to have been in the Midraw, bounded by the tenement of the heirs of James Gibson, late deacon of the fleshers, of Alexander McKie, late surgeon there, and John Ray, writer, on the north, the flesh Mercat street on the east, the High street on the west, and the tenement of the Seven Trades on the south.

2. From the precept that was issued 9 June, 1755, we learn who his heirs were. They were 3 sisters named Dempster, daughters of the late Mr. John Dempster, minister of St. Madoes, and his spouse, the decest Agnes Irving. (1) Isabell, relict of Mr. Robert Henderson, sometime Keeper of Edinburgh University Library. (2) Elizabeth, relict of late bailie Stephen Irving. (See P. Heron's letter, 13 July, 1753, in T.C. Records). (3) Agnes (then dead), wife of Mr. James Maitland, minister at Sorbie, in his own right, and in that of Johanna Maitland, their only child.

Maxwell persuaded Heron to accept £86 for the site, on condition that it was used as a market for grain and garden stuff, and that the slaughter house should be moved further afield. To the petition the Council agreed, and pulled down the remaining ruins, and laid out the site as a square—now Queensberry Square. The money was paid over to Heron on 4 March, 1771, having been borrowed by the Treasurer from the bank of Douglas Heron and Co. (T.C.M. 23 Dec. 1771).

**49.**—The Town Council owned a coffee house in the Midraw. The date of its inception has not been traced, but it is known to have occupied two separate properties, acquired at different times by the Town Council. One of the properties, "a part of a tenement," had belonged to William Craik, merchant burgess, who had sasine on 31 July, 1624. His son, Robert Craik, disposed the property to the Town Council, on 7 March, 1688. The other part of the tenement had belonged to Janet, sister and heir of Robert McGeorge, merchant burgess, who had sasine on 13 June, 1616. On 3 May, 1621, Agnes, lawful daughter of Adam Corsan, elder, merchant, and Elizabeth Maxwell, his spouse, had sasine. Agnes was dead by 21 Feb. 1626, when Thomas, her eldest brother, disposed of this, the fore-tenement, to William Craik and Elizabeth Gibson, his spouse. Craik seems to have given it to his daughter Marion, relict of James Maxwell, notary, who disposed it on marriage to her 2nd husband, Major James Maxwell of Glenlarc (?) in 1680. In Nov. 1702, the Major, with consent of his son Edward, disposed it to Nathaniel Gordon of Castletown, who sold it to the Town Council on 6 June, 1711 (T.C.M. 15 Nov. 1726). The Town Council turned these properties into a coffee-house, where the newspapers of the day, provided by the Town, were to be read, but it was not long before they changed their minds. Perhaps the site was not considered suitable. On 15 Nov. 1726, it was decided to sell it at 12 years' purchase, the rent being £14/10/- sterling. On 26 Dec. it was put up to auction, but there were no offers. So on 3 Jan. 1727, the Coffee house, the furniture in it, and the stables were sold for £157 to John Dalziel of Fairgirth. It was not long before the Town Council had a new Coffee house (See T.C.M. 2nd Nov. 1732). It was at the back of the Tolbooth. On 30 July, 1733, the Town Council acquired from James Killock, vintner, for 600 merks scots, a tenement there, as a kitchen for a Coffee house, it having formerly

belonged to Robert McBair, Messenger. On 24 June, 1734, Killock was given a 15 years' tack of the Town's "new house" as a Coffee house, at a rental of £25 sterling. Three shops on the ground floor fronting to the south were excepted; and he had to live there himself on the second floor. He was dead by 1738, when Margaret his daughter by Sibylla Douglas his wife took over the tack. (T.C.M. 25 Dec. 1738). We learn that the ground floor shops were then occupied by William Mein, stationer, John McCleish, and Basil McWhinnie. A few years later these shops being vacant were let to Hugh Lawson for 11 years at £7/10/- s.

On 2 Jan. 1755, the Town Council sold the coffee house "lying in the Midraw" for £525 sterling to Mr. Richard Lowthian, the sale including furniture, etc. (See also T.C.M. 9 Dec. 1754).<sup>1</sup>

At a later date (1788) there was another Coffee house at the other side of the High Street, below the Mid-steeple (D. & G. N. H. & A. Soc. 1910-11, 211).

**50.**—More correctly—*sic sit pro ratione voluntas* (let will suffice for a reason).—*Juvenal*, Sat. vi. 223.

**51.**—John Maxwell of Barncleuch was the son of John Maxwell by his wife Agnes, daughter of — Irving, afterwards spouse of Robert Maxwell of Carnsalloch. The date of his birth must be approximately 1637, in which year his parents married. On 11 Feb. 1665, he was served heir to his grandfather Thomas Maxwell, merchant burgess, of Dumfries (Bk. of Carlaverock quoted by McKerlie). John Maxwell was a writer, and became Town Clerk of Dumfries, on 25th Sept. 1662, in succession to the late James Cunynghame (Aitken MSS.). In 1681 he became a Papist, and had accordingly to demit office in December of that year. But his position was so strong that he prevailed on the Town Council to grant him a life pension of £60 scots on condition that he resigned.

1. From Lowthian's sasine we learn the exact position of the 2nd coffee house. It was bounded by the Tolbooth or Council House, and the house of Sarah Fergusson on the north, the back street going from the fleshmercat to the Fish Cross on the east, the gutter of the causeway on the south, and the High Street going from thence to the Mercat Cross on the west. It had formerly been the property of James, son of the deceased John Mitchellson, and Margaret his sister, relict of Mr. John Campbell, late Minister of Kirkbean.

In September, 1686, the Burgh elections were suspended by Royal Warrant, and in December John Maxwell of Barncleuch was appointed Provost, despite the Burgh Constitution. His enjoyment of the office was not long, being terminated by the advent of the Prince of Orange, and in Dec. 1688, the Town Council proceeded to elect another Provost (See Appendix A, Nos. 44-47). Barncleuch fled the Burgh so precipitously that he was seen crossing the old Brig, clad only in his shirt. He was arrested, and found to be in the possession of a number of important papers. According to the Aitken MSS. Barncleuch's pension was terminated at the instigation of John Hereis of Butts (or Buss), Town Clerk till 1704, and Stewart Depute. Butts had been of service to Barncleuch anent the fishing in the water of Urr, and had disbursed freely in the action of Barncleuch v. Kipp. Hereis could not get payment from Barncleuch, so he held up Barncleuch's portion (628 merks) of the Town's share of the Darien compensation.

Barncleuch seems to have obtained a Decreet of Adjudication against McBrair of Netherwood, and claimed a charter of those lands from the Burgh. Amongst the Town's papers is a document which goes at length into the history of the Netherwood property, those fishings, and Barncleuch's rights thereto. It appears to be in the handwriting of Robert Edgar, and is certainly characterised by his peculiar style. Barncleuch married in 1665 Margaret, daughter of Provost John Irving, of Friar's Carse, by his wife Elizabeth Crichton, daughter of Sir Robert Crichton, brother of the Earl of Dumfries (Bk. of Carl. i. 502). McKerlie records his seventeen children. He died prior to 1721, when his eldest surviving son, James Maxwell of Barncleuch, the husband of Janet Carruthers, relict of Alexander Johnstone of Elschieshields, was served his heir.

Barncleuch's Provostry is in itself a chapter of the history of Dumfries, and it is to be hoped that it will be some day adequately treated.

**52.**—Lieut.-Col. George Rattray was an ensign under Lieut.-Col. John Rattray (who was doubtless a relative), in July, 1666, in Lord George Douglas's Regiment of Foot or the Royal Scots, celebrated in French History (Dalton i. 63). The Regiment came back from France on 12 June, 1662, but was sent back there in 1668 for a further period of 10 years. George Rattray had previously served

under Sir James Turner as lieutenant in the Scots Guards in 1663, so he must have been well known in the neighbourhood ("Turner's Memoirs," 140). He was Lieut.-Col. of the Royal Scots Dragoons in 1688 (Dalton ii. 213). In 1689 he obtained an Act of the Committee of Estates in his favour. From it we learn that, in pursuance of the Prince of Orange's Declaration to all Roman Catholics to lay down their arms and go to their homes, he returned to Dumfries, where his wife and family were early in December, 1688. On hearing of his return, an armed mob searched his house several times, with intent to seize and maltreat him. Whereupon, to protect himself from the rabble, he gave himself up to the Magistrates of Dumfries, who lodged him in the Common Prison house. There he lay for 4 or 5 months, "contracting several distempers and diseases." As he undertook to live peaceably with his family, he was set at liberty (S.A.P. ix. Ap. 5).

According to McKerlie (iv. 9) he had been a member of the household of James VII. in France. He married Anna Elizabeth, second daughter of John Maxwell of Barncleuch, and left issue.

There was also a Henry Rattray commissioned to be lieutenant in Sir David Colyear's Regiment of Foot in September, 1689. He was promoted to be Captain on 16 June, 1695 (Dalton iii. 61). His further services cannot be traced.

**53.**—The Town Council was not as harsh as Edgar implies. The Acts of Council with regard to thatched houses only applied to new buildings or buildings the roofs of which required thorough repair. On 24 June, 1723, the Council enacted that such houses were not to be thatched, but were to be roofed with slates or tiles, under pain of £100 scots. Two years later the Council had to enforce the Act against George Bell, baxter, who had roofed a building fronting on the High Street near the New Church, pertaining to the heirs of the deceased James Lockhart, merchant, with slacks. He was fined £100 scots, and kept in prison till the slacks had been removed (T.C.M. 29 Nov. 1725).

**54.**—The omission by Edgar of the Town's Revenues, and also later on, of the Dean's, Officer's, and Schoolmaster's salaries are proof that the MS. is only a draft. Instead of filling up this blank with a statement of the Town's Revenues in 1745-6, from the



Town's Papers, it is considered of more importance to print in Appendix B, the earliest existing accounts of the Common Guid, Customs, and wine duties, which are taken from a fragmentary MS. at the Register House.

**55.**—"A mute consonant, not a vowel." A good pun, both on *consonant* and on *vowel* (*vocalis*), which last means literally "having a sound or voice."

**56.**—A Town Grieve or Overseer was first appointed in 1725, the reason for the appointment being that the Acts and regulations of the Town Council relating to cleaning the streets were not obeyed. John Prentice, workman, was appointed (T.C.M. 15 Feb. 1725). He was succeeded by George Corrie, innkeeper, in 1728. The instructions which Corrie had to follow are given in the Minutes of 10th June. His duties were multifarious. He was surveyor, clerk and bookkeeper for the Town's employees, Town Storekeeper, dustman, constable (he could arrest and imprison offenders), and sanitary inspector, with power to cause a burrow officer to warn owners to comply with Town Council Acts. His salary was £24 scots.

**57.**—It was in 1719 that the Town Council appointed a Committee to employ workmen to dig in three or more likely places upon the streets of the Burgh, to make proper draw (*i.e.*, pump) wells (T.C.M. 3 August, 1719). The Committee soon finished their work, for on 10 Nov. the Council made regulations with regard to the well *now* made below the new Council House. It was not to be used between 4 p.m. and 7 a.m. This well is still there below the pavings outside the *Courier* Office. The other wells cannot be identified, but it is clear they were made, for in 1723 John Moor, pumpmaker, at Wigton, Cumberland, received £2 sterling for making 4 pumps for the wells (T.C.M. 13 May, 1723). The other three wells may have been situated at the foot of the King's Arms Yard (which used to be a thoroughfare), in the yard at the back of the present Savings Bank<sup>1</sup> to which the public must have had access, and the third at the

1. In 1752 this well was out of repair, and a petition was presented to the Town Council for its repair, £8 being offered towards the expense. The Council accordingly had it repaired by James Harley, wright, and Alexander Wyllie, watchmaker. (T.C.M. 15 June, 1752).

Fish Cross, to which a lead pump was fitted in 1738. (See T.C.M. 4 Feb. 1828, when it was opened as a public convenience). Mr. Barbour mentions some other wells, including several dip-wells (D. & G. N. H. & A. S. 1893-4). The Doctor's well was a spring on the Greensands, at some steps on the edge of the Nith. In 1732 John Donaldson, who had for two years kept this well—"the Townes Physic Well"—was granted 25/- sterling for his services, and a yearly salary of £1 for the future. Regulations for keeping the well are appended (T.C.M. 7 Feb. 1732). This must not be confused with the well on the sands (not marked in O.S.), near Laurie's Mart (See also T.C.M. 10 June, 1839).

**58.**—This Act is amongst the Town's Papers. (See Appendix A, No. 41).

**59.**—This refers to a very old form of corruption. The gloves were not the only fee paid to sheriff, lawyer, or official. They were only a cloak for a bribe; for the gloves had money put under them. (c.f. Shakespeare's "Henry V." act iv. scene 8: "Fill the glove with crowns."). For a municipal instance of a pair of gauntlets with money put in (impos') them in 1347, see Miss Bateson's "Records of the Borough of Leicester, Vol. ii. p. 68. The transition of the custom from a compliment to an imposition is well illustrated by this passage of Edgar. Like the sleeve, the glove was a form of bribe. A curious survival of this practice is to be found at Christ's Hospital, where, on Speech Day, the scholars who are proceeding to the University are given gloves, which they take round amongst the visitors, who are expected to slip money therein.

**60.**—Sir James Stewart of Goodtrees, appointed Lord Advocate in Nov. 1692. He probably drafted the Report of the Glencoe Commission, of which he was a member. In the struggle for the Union he took little part, being, it is said, opposed to it. He was requested to resign in May, 1709, probably as the result of his conduct in a State Trial in November, 1708. But he was again appointed Lord Advocate in Oct. 1711, which office he retained till his death on 1 May, 1713 (Omond's "Lord Advocates," i. cap 9).

**61.**—It is not possible to trace this quotation, or make sense of it. Either Edgar, or Riddell's copyist, must be at fault. There is no such word as "altrebit"; presumably it should be "attrahit."

**62.**—See Note 66.

**62a.**—The Family of Crosbie can lay claim to a Norman descent. In the Lyon Office there is a copy of a printed pedigree compiled by Capt. Howard Herries-Crosbie, Resident Magistrate in Donegal. He traces the descent from Sir John de Crosebi, a man of Norse origin, whose ancestors settled in Normandy with Rollo, at a place named Corbie in Picardy. The name was then spelt Crosbj. Coming to England with the Conqueror, he was granted lands at the mouth of the Mersey, which he called Crosbie after himself. He had four sons; Simon, from whom the Lancashire family were descended; Robert, founder of the Cumberland family; Adam, and Thomas, founder of the Berwickshire Crosbys.

Adam is said to have received a grant (unrecorded) of lands in Annandale, and to have had three children, Ivo, Richard, and Euphemia (Bain's Cal. i. 197). Euphemia married Robert de Brus, 2nd Lord of Annandale.

Ivo is said to have married a natural daughter of Robert de Brus, 1st Lord of Annandale. His son,

Adam de Crossbi, is mentioned in an escambion of land in Cummertrees (Bain, i. 1685). He married Matilda de Hereis, and left three sons.

Robert de Crossebi, born circa 1187, Ivo, and Ricardo, both of whom witnessed a Brus charter of land in Drysdale (Bain, i. p. 635). Robert seems to have been a man of prominence, as there are many references to him in charters of the period. He married Juone de Dinwidi, and left a son,

Robert, who receive a Brus grant of commonty in the wood of Stapleton. This Robert was succeeded by another

Robert de Crossbi, the husband of Ada, sister of Edno de Carliol. They had two sons, Robert, and John, a cleric, who was presented to the church of St. Mary in the Forest, 1298 (Bain, ii. No. 1008).

Robert, the elder brother, married Maud de Kirkpatrick, by whom he had seven sons, all of whom fought, and five of whom were killed, at Bannockburn. He helped to despatch John Cumin

in the Greyfriars Church, Dumfries, and died in 1314. His eldest son, Adam, fought on the English side at Bannockburn, and was killed by his father.

Robert, the second son, born circa 1290, succeeded his father. He fought under Edward Brus in Ireland. On 24 July, 1347, he served on an inquest at Lochmaben (Bain, iii. No. 1499). It is stated that he was granted land by Robert de Brus, and died about 1360. Whatever may be the derivation of the name, Stodart has pointed out (Scottish Arms) that in the Shires of Ayr, Kirkcudbright, and Berwick, are places called Crosbie or Corsbie, from which the name may have been taken.

Robert de Crossebi, of Culcottes, born circa 1339, and son of the above, was succeeded in the property by his son Richard, and grandson Robert, the latter of whom, dying in 1498, left two sons and a daughter.

For the later genealogy of the family see Appendix D.

**63.**—It is difficult to understand the rates referred to by Edgar. In 1703 William Mean, mason, petitioned for a tack of the Town's quarries on both sides of the Nith, which was granted on 31 May. Though the tack contained no proviso for the Town to furnish gunpowder, etc. yet the rates to be paid for stones are set out in it. Mean had to furnish building stones to the inhabitants at 12d. scots for each draught of wall stones; 2/- scots for each rebbat and cuinie stone betwixt 18 and 24 inches long, and 9 and 12 inches high or theraby; 4/- scots for each sole and lintell for door or window 3ft. or 3½ ft. long, 6/- scots if 4ft. long; 12/- scots for a chimney lintell 5ft. or 5½ ft. in length, and 20/- scots if between 6ft. and 7ft. long; 2/- sterling for each stone 7ft. in length; 2/- scot for each flag stone 2ft. square and 3 inches thick; 2/- scots for each sleivestone 2ft. or 2½ ft. in length; and at what rates he and the Burgh could agree for stones other than these. There was also a condition attached that in the building of the prisons and steeple designed to be built in the Burgh, the rates for material were to be determined by two judicious men, one chosen by the Burgh, the other by Mean. If, for any reason, Mean had to obtain the stones from Netherwood's quarry or elsewhere, the same rate was to prevail. But he had to leave the Town's quarries "void and redd" at the end of his tack, which was for 9 years, with £100

scots penalty for nonfulfilment of conditions (T.C.M. 31 May, 1703). Mean seems to have been given an extension of his tack, for in 1716 he renounced his second tack, which had been for a 19 year period (T.C.M. 28 Dec. 1716). He left the quarries in a terrible condition, "overrun and overcasten with rubbish," and with pools of stagnant water in them. On 1st Jan. 1717, James Waddell and Thomas Forrest were given a 19 years' tack, and £6/10/- to help them to put the Quarries in order. They were bound to the same rates as Mean (T.C.M. 10 Nov. 1735). Forrest must have died during the tack, for Waddell only is mentioned at its termination; when John Donaldson, Deacon of the Tailors, in conjunction with Alexander Affleck and Thomas Waddell, obtained a 15 year tack from Candlemas, 1735, at £37 scots yearly (T.C.M. 9 Feb. 1736).

**64.**—A Dean of Guild Court existed in Dumfries from the earliest times. Thus a Guild Court was held before the Dean and bailies on 22 Jan. 1489. (D. & G. N. H. & A. Soc. 1913-14). Thomas Finlai was Dean in 1453 (Appendix A, No. 13). But by 1560 the position of the Dean was no longer the same. He no longer held Courts, and seems to have been overseer of the mercats. In 1600 Adam Walker was Dean, and Thomas Ranyng in 1609. But it was not long before a Dean of Guild, with full powers, was needed. On 22 Oct. 1657, Dumfries applied to the Convention for the election of a Dean of Guild stating that the merchants and tradesmen were unanimous in their wish for it. In February, 1661, a similar supplication was presented, and the Deacon Conveener of Trades was cited to appear at the next Convention, and report the establishment of the Guild. On 15 May, 1662, Thomas McKennell, deacon conveener, appeared and reported his efforts, the process being set out in an Act of the Convention, extracted by W. Thomson, and now amongst the Town's papers. McKennell's hopes were fulfilled, and on 2nd July, 1664, the Convention ratified and approved "the Act maid in favouris of Dumfreis in relatioune to their Guildrie." (Rec. of Convention of Royal Burghs).

**65.**—In attributing to an Act of Parliament the regulation of the wages and working hours of masons, slaters, etc. Edgar seems at fault. Such regulations and ordinances emanated from the Town

Council. Doubtless Edgar had in mind the Act of the Town Council of Dumfries, dated 22 Oct. 1716, relating to wrights and masons—"The which day the Council, considering that generally the Town and inhabitants are imposed upon by the wrights and masons," enact that each one of these crafts, employed to work, begin their work daily at 5 in the morning, and end at seven o'clock at night, for the period betwixt 11 March and 11 September, at one merk scot each day; and at 10/- scots each day from Sept. 11 to March 11, beginning and ending at morning and at night as they have been used to formerly, and that without any further gratification.

**66.**—Colliston's Act is dated 6 March, 1704. Barncleuch's successor in the Town Clerkship, John Hereis, of Butts, seems to have proved as unamenable to the Town Council as Barncleuch himself. Till that year the clerkship had been held for life, the election receiving, apparently, the ratification of the Convention of Royal Burrows. By the Act this was altered, and the office was in future held at the pleasure of the Council—"durante bene placito allanerby." The reason given for the change was that the Clerk had not conducted himself with deference and regard to the Council, was lax in his attendance, and the proper observance of his duties, and had even associated himself with one of the parties in the Council. It was ordained that all future clerks should accept office on these terms, under penalty of £1,000 scots. And it was further enacted that any Councillor who voted the rescision of the Act should be liable to a penalty of £200 (T.C.M. of date). On 4 July, 1704, the Convention ratified the Act, and ordained that it be recorded on their books, which was done on 12 June, 1705. (Rec. of Con. of R. B. iv. 356).

Hereis at once resigned, and on 5 May, 1704, John Lanrick, writer, accepted office under the new terms, as settled by the Council on 10 April. Of the nine conditions then laid down, the principal were:—

(1) That he was not to be dependent on any inferior Court or jurisdiction.

(2) That he had to serve the town in what properly belonged to the Town, and in gratis burges tickets at 12/- scot a ticket, he providing materials for writing and sealing.

(3) That he charge not an inhabitant more than 1/- in the £ for any decreit. (The price of other writs to be regulated by the Council).

(4) That he relieve the Town of £5 annually, to be paid to Barncleuch.

(5) That he retain, for the Town's relief, at the hands of Barncleuch, £60 scots.

**67.**—This is not a "verse," nor even sense. The quotation is seriously mangled and cannot be identified. "Dilectus" should probably be "lectus," but there must be several errors or omissions.

**68.**—Edgar's account of this contested election of the Burgh Council is borne out by the Register of the Privy Council. On 10 Oct. 1622, Francis Irving, George Sharp, William Carlyle, James Maxwell, John Rome, Homer Maxwell of Speddoch, George Rome, and Thomas McMillane, merchant burgesses of Dumfries, petitioned the Privy Council on the following grounds. Having heard that the Acts of Parliament concerning the election of Burgh Magistrates had recently been violated in Dumfries, the King had written to the magistrates of Dumfries for the current year, reminding them of the Acts and the punishment to which they were liable if the Acts were disobeyed. The Royal missive was delivered on the day of the elections, 2nd Oct. during the actual formalities in the Tolbooth. But instead of obeying the charge, the defenders read the letter, "disanefullie, with tantis and jeastis sayd that it was but a purchest letter and that they wald not acknowledge the samyn." So, ignoring it, they proceeded with the election, having first nominated Mr. John Corsan (junior) as one of the Council in place of William Williamson, and caused him to vote for his own election.

The charge was brought against Mr. John Corsan, James McGown, John Raining bailie, James Cunynghame, James Newall, John Craik, William McGowne, Adam Sturgeon, John Gledstanis, James Young chirurgeon, Thomas Maxwell callit of Kelton, John Maxwell callit Mr. John, skinner, now bailie, Daniel Kirkpatrick saddler, Andrew Thomasoun cordiner, James Hamilton wright, John Gibsoun flesher, John Clerk tailor, James Aitken "wobster," Michael Newlandis skinner, John McKynnell smith, Cuthbert Greir

maltman, John Corsan late Provost, Mairteyne Newall writer, John Young of Gullyhill, and Harbert and Robert Cunynghame clerks.

All the defenders, except John McKynnell, smith, excused on account of illness, having appeared before the Privy Council, the Lords found that the proceedings were unlawful because—

(1) They did not choose the new Council before proceeding with their own election—in which they were assisted by 4 gentlemen, “dwelland to landwart,” who, out of favour, were made burgesses *ad hoc* only.

(2) They chose Mr. John Corsan provost, who was no merchant, and had no trade or handling in the burgh, “bot remains in house and company with his father unforisfamiliat, in the qualitie of a servand and under his obedience and commandment”—thus leaving the whole charge of the affairs of the Burgh to John Corsan his father, “who be his moyen and frendschip procurit himself to be contenowit in the office of provestrie of their said Burgh thir diverse yeiris bygane.”

(3) In that they chose John Maxwell, clearly proved to be a skinner, as bailie, and James Newall, a blacksmith, as dean of Guild.

On these grounds the election was declared null and void, and a new Council was ordered to be chosen before 11th Feb. following : and though the defenders deserved “schairpe and rigourous punishment,” such was to be withheld pending the new election. But John Corsan (senior) having been guilty of contempt of his Majesty’s letter was committed to ward in the Tolbooth of Edinburgh (R.P.C. Vol. xiii. p. 152-4). On the 28th Jan. following the Privy Council again had the matter under consideration, and as a precaution appointed Sir William Greir of Lag, John Maxwell of Conhaith, and Sir William Maxwell of Gribton to attend the elections, prevent disorder, and report the names of offenders (*ibid.* p. 160). But the Corsan party made a final effort to evade the letter of the Law. On February 6th, the Privy Council changed the date of the election to the 25th February. For they were informed that at the instigation of the Corsans, a Justice Court had been appointed to be held at Jedburgh on the 11th, and that all the persons having votes in the Dumfries election had been ordered to appear on the panel of the Assize, or else as witnesses, in order “to keip the said Court and sua to frustrat and neglect the electioun of magistrattis, pretending the necesitie for thair repairing to the said Court for eschewing the



unlaw" (R.P.C. xiii. p. 168). The matter did not end there. On 2 July, 1623, the Convention of Royal Burghs, in pursuance of its policy of regularising the election of Burgh Magistrates and Councils, ordered Dumfries to produce the form of the election of its Magistrates and Council at Michaelmas following; and on 9 July, 1624, the Commissioners reported that Dumfries "Keip no solide way nor course" in its elections. The Convention thereupon appointed Commissioners "to sett down a settled forme for the samin."

**69.**—If Edgar is right, William Carlyle must be an unrecorded member of the Boytath family. Nicholas Carlisle does not mention him. The first Laird of Boytath (now a farm about a mile and a half north of Torthorwald Castle), was John Carlyle, fourth son of Michael, fourth Lord Carlyle of Torthorwald. John was succeeded by his son James Carlyle, who was retoured heir on 8 Jan. 1624, in the 2 merk land of Boytath and other adjoining property, and who died in 1634 (See N. Carlisle's "Collections for a history of the family of Carlisle"). William Carlyle must have been his younger brother. On 1 Oct. 1617, as a burgess of Dumfries, he witnessed a sasine of Dom. Robert de Douglas in the lands of Torthorwald (Aitken MSS.) He married Isabel Kirkpatrick, became a bailie and died before 3 Dec. 1657. His three daughters Agnes, Margaret and Janet were retoured his heirs in Houthat, Roucane and the Kirklands of Torthorwald on 23 Feb. 1658 (Aitken MSS.).

**70.**—Edgar here seems to have omitted accidentally the Dyers whose deacon would make the 10th of the old quota. Prior to 1699, the Dyers had been a separate Trade, but in that year they were amalgamated with the Glovers "for the better maintaining and upholding thair incorporation which within this short tyme hath decayit to ane small number." The Trades formally ratified the amalgamation on 6 Nov. 1699 (See Minute Bk. Incorp. Trades).

**70a.**—The Shoemakers received a Seal of Cause from the Town Council on 1 Dec. 1513 (D. & G. N. H. & A. Soc. 1904-5, 414).

**71.**—The family of Geddes of Barnbachle were descended from William Geddes, dyer, who obtained on 13 Oct. 1636, an Act allowing him to build a pew in the Kirk. In 1695 the Kirk

Session held that the Ladie Barnbachle, his daughter, was entitled to the pew (Aitken MSS.).

**72.**—Burnside, who states he had seen a copy of the agreement, gives some information relating to it. It was to the effect that thereafter the merchants should always have two votes to the Trade's one on the Town Council. "And altho' there be only seven deacons in the Council yet in order to preserve the balance, there are four led votes, as they are called, belonging to the Trades, which have each a vote for filling up the Council. This gives the Trades on this occasion eleven votes. But as there are by the sett of the Burgh four new merchant Councillors chosen by the old Council before the day of electing the Magistrates, it makes the Merchant Council on that day twenty-two, which still preserves the proportion betwixt them of two to one as above stated. When the agreement was made, it is probable that there were four trades who claimed votes that are now (1790) extinct, and that the led votes, as they are called, and which are created only for the occasion, have been assumed in their place. One of these trades is supposed to have been the Dyers; and it is certain that the Bonnetmakers, the Maltsters and Waulkers had towards the end of last century a vote at least for the Conveener, if not in some affairs of the community."

**73.**—The Minute book of the Incorporated Trades does not bear out Edgar's alledged reason for the withdrawal of the Waulkers' privilege of voting in the election of a Conveener. They had been excluded on 26 Sept. 1682, for not accepting the Test. But on 26 Sept. 1691, on petition, their privileges were restored. On 19 August, 1695, this received further ratification. Thereafter they were always specifically included in the votes for the Trades elections. The first year in which they were not represeneted was 1728, and in 1733 they were represented for the last time. The principal cause of their decline was trouble with the Dyers who were rivals, and were continually encroaching on the Waulking trade.

The fact too that the Waulkers were not strictly trading in Dumfries, though freemen for that purpose, rendered them peculiarly liable to the competition of unfree traders, such as John Wilson in Newabbey against whom they took action in 1703 (see *Dumfries Standard*: Auld Lang Syne Column cxxxvii. et sequa).

The Waulkers were domiciled at Lincluden as early as 24 Feb. 1582, when a reference occurs to Thomas Walcar in the £20 land of Cluden, who bound himself to pay £11 to his brother Congall, giving as security the tack of their half of the Cluden Waulk Miln (Aitken MSS.). This may have been one of the two Mylns on the Water of Cluden acquired in 1570 by Sir John Maxwell of Terreglis from Holywood Abbey (Abbrev. Fen. Cart. ii. 91).

It seems that the Dyers and country Waulkers had as much to do with the eclipse of the Waulker Trade as the "fashious and turbulent bludes," though the statement of Edgar, as Clerk of the Trades, cannot be doubted.

**74.**—The following list of members of Parliament for Dumfries has been compiled from Scots Acts of Parliament, and checked by Foster's list in "*Miscellanea Genealogica*." In the following years Dumfries was represented in Parliament, but the names of the representatives not recorded, 1468, 78, 81, 82, 88, 1505, 26, 67.

William de Duncoll,		John Corsan,	1633.
Thomas Lang,	} 1357.	John Irwing,	1639.
John of Dunfies		John Irwing,	} 1640.
Robert Macbriar,	1440.	John Johnstone,	
Robert Macbriar,	1469.	John Irwing,	1641.
——— Welch,	1471.	Cuthbert Cuninghame,	1643.
Nicholl Macbriar,	1503.	John Johnstone,	1644-5-6.
Herbert Rany (Raining)	1572.	Thomas McBurnie,	1648.
Patrick Macbriar,	1579.	Robert Richardson,	1649-50.
Archibald Macbriar,	1581.	Jeremiah Tollhurst,	1654.
Robert Cuninghame,	1584.	Thomas Talbot,	1656.
John Maxwell,	1585.	Jeremiah Tollhurst,	1659.
John Brice,	1587.	John Irwing,	} 1661-5-7-9.
John Halieday,	1593.		
Herbert Cuninghame,	1612.	William Craik,	1678-81.
Mr. James Halieday,	} 1617.	William Finglass,	1685.
John Corsell,		John Sharp,	1686.
(? Corsane)		James Kennan,	1689-90-93.
Francis Irwing,	1617.	Robert Johnstone,	} 1695-8, 1700.
John Corsan,	1621.		
Frances Irwing,	1625.		
John Irwing,	1630.		1702-3-4-5-6.

The following biographical notes on this list may be of service :

(a) WILLIAM OF DUNCOLL may with some certainty be identified with the second son of Sir Thomas Boyd of Kilmarnoch. The estates of Duncoll or Duncow, Clarkslands in Dalswinton and the lands of Glenken were granted by King Robert the Brus to his faithful follower and companion in the wars of Independence, Sir Robert Boyd (Dalrymple's Annals, ii. 2), who at the same time received grants of Kilmarnoch etc. which previously had belonged to John de Balliol and the Cumyns. At the same time Dalswinton was granted to Walter Stewart, third son of Sir John Stewart of Jedworth. We know that Sir Robert was a son of William Boyd (R.I. p. 6, and Reg. Mag. Sig. i. app. ii. 315).

Of Sir Robert's sons, the eldest, Sir Thomas Boyd, was taken prisoner at Neville's Cross. William de Duncoll, the second son of this Sir Thomas, had a grant from King David II. in 1366 of the lands of Auchmarr in Dumbarton, and he is described as "*filius quodam Thome Boyd de Kilmarnoch militis*" in a charter to Malcolm Fleming of Biggar in 1372 (R.M.S. i. 279-477). He was ancestor of the Boyds of Badenheath, the last of which line was Margaret Lady of Badenheath, married to Robert Boyd, third son of the fourth Lord Boyd (Scots Peerage, v. 139).

The property of Duncow must in no way be confounded with the £10 lands of old extent of Drumcow or Duncow in the parish of Suthik, belonging in 1582 to George Heries of Madinape (H. I. 250). As there are no old architectural remains at the present day at Duncow, it is doubtful whether the first recorded M.P. for Dumfries ever dwelt in the locality.

The earliest record of the estate is in 1250 when Sir John Comyn granted to the monks of Melrose free passage through his lands of Dalswinton and Duncoll to their granges in Nithsdale, on condition that they repaired the damage done to the track (Cart de Melrose 108). In 1434 the fermes of Drumcol were applied to the works at Linlithgow Palace (Ex. R. iv. 555).

The only other proprietor of Duncoll who at this period came into prominence was Sir Alexander Boyd of Duncoll, brother of Lord Boyd, and instructor in the art of chivalry to the youthful James III. In July, 1466, the Boyd family for their own ends seized the young King's person, and thereby complete power in the country. Lord Boyd's son was made Earl of Arran and united to Princess Mary, sister of the King. But in 1469 the King's mind was alienated. The estates of the Boyds were forfeited; Sir

Alexander was seized, sentenced (S.A.P. ii. p. 186), and beheaded on the Castle Hill, Edinburgh (Boyd Papers, iii. 110). The Schir William Dunkowe, presbyter, who appears as a witness at Coldstream in 1460 may have been a relation (Liv. 359).

Following on the forfeiture, the lands were granted to John, Lord Carlyle and incorporated in that barony (R.M.S. 1424-1513, 1327), but they were soon after taken from that family under the pretence that they were crown lands and therefore inalienable by the Prince (Barjarg MSS.). In 1498 George of Murhead and Annabell Grersone his spouse had a tak of the 10/- fishing within Duncoll (R.S.S. i. 193). In December, 1526, the £20 land of Duncow was granted to Robert Lord Maxwell (M.I. 136), Robert Maxwell of Cowhill being in possession in 1582 (*ibid.* 377). It was whilst he was there that Duncow and Cowhill were harried by the Johnstones in 1585 (A.B. i. xcv.), which was but a repetition of a previous burning and despoiling by John Johnstone in 1528 (A.B. i. xxiii.).

In August, 1592, the feu duties of Duncow amounting to £41 6s. 8d. were assigned by the Earl of Morton to the King's "laqu-hais," Finlaw Tailzeour one of them giving discharge (M.I. 416). In Feb. 1622, the Maxwells were in difficulties and in return for 3000 merks, the Earl infett Patrick Young, chirurgeon in Dumfries, in an annual rent from the lands of Duncow (*ibid.* 587). It must have been this annual rent, valued at 15 bolls of flour and 4 bolls of barley, that Patrick Young granted to his son Patrick on 5 March, 1628 (*ibid.* 674).

(b) Of THOMAS LANG the colleague of William de Duncoll nothing is known. The name was not associated with the county at that period, but a John le Lang was a baillie of Dumfries in 1335-6 (Bain iii. p. 319), and a John Lang, doubtless the same individual, served as a juror at Dumfries on 28 April, 1346-7 (*ibid.* 1493). Thomas Lang may well have been a Provost of the Burgh, though there is little evidence to warrant his inclusion in that list by McDowall.

(c) JOHN OF DUMFRIES. This John must not be confused with the Magister John de Dumfries who, as Rector of the church schools there, rendered in 1330 the accounts of the baillies to the Exchequer Auditor; or with the John of Dumfries who served on a jury there in 1347 (Bain iv. 1493). All that we know of the member of parliament is derived from two meagre records, both in the year

1451. He was a witness to an instrument drawn up by the commissioners for the truce of the borders between the two countries in the vestry of St. Nicholas church, Newcastle-on-Tyne, on 14 Aug. and on the 25th Oct. following he received a safe conduct (in which he is named John Dunfrise merchant in Scotland), for the space of two years to pass to the realm of England with three merchant companions by ship with all the sailors, gear, etc. that were necessary (Rot. Scot. ii. 354). From this we may deduct that the state of the country in the neighbourhood of Dumfries in the year 1451 was sufficiently quiet to allow trading to be carried on on a considerable scale. In John of Dumfries, M.P. we may safely say that we have the first merchant adventurer of Dumfries. It is a pity that the name of his ship has not survived. He may have been the same person as the John of Drumfresse who witnessed the grant of Kildrummy Castle to Robert Lord Erskine in August, 1440 (Scots. Acts Parl. ii. 56). It should also be added that a John of Drumfres, circa 1400, son and heir of John Mitchelsone, burgess of Edinburgh, has left on record his seal (Laing Cat. 282. B.M. seals 16148).

(d) The earliest reference to the surname of WELCH in the Burgh is David Welch, who served on the assize that retoured Robert of Maxwell as heir to his father Herbert Lord Maxwell in 1453 (A.P.C. 669). Thomas Welche was a baillie of Dumfries in 1465 and 1467 (Ex. R. vii. 372, 594). The name is one not to be met with elsewhere at this early date. We may with some certainty identify this Thomas Welche with the M.P. in 1471. The Thomas Welsch burgess who was alive in 1509, was probably his son (R.M.S. 1424-1513, 3335). A David and an Archibald Welch both burgesses of Dumfries figure in 1506 and 1510 (R.M.S. 1424-1513, 3010 & 3513) and may have been brothers of the younger Thomas. The Schir John Welch chaplain in the parish church of Lochmaben in 1486 may well have been a near kinsman (R.M.S. 1424-1513, 1650). So also may have been Nicolas Welsh, Abbot of Haliwode in 1480. For later particulars of the family, see Mr. C. Carlyle Aitken's notice in the Transaction of the D. & G. N. H. & A. Soc. 1889.

(e) One of the earliest references we have to the RAINING or Ranyng family is in 1549 when Thomas Ranyng witnessed a burgh charter (R.M.S. 1546-80, 556). The name seems to have been confined solely to Dumfries and the immediate neighbourhood, and to have

died out in the 17th century. In 1570 Herbert Rayning, perhaps a son of Thomas, signed the Band of Dumfries. He seems also to have gone under the name of Robert (Inquis. Spec.). In 1573, a baillie along with Robert M'Ynneil, Herbert was cited in M. George Law's complaint re the Friars Minor (R.P.C. ii. 233). He was bailie again in 1579 (Ex. R. xx. 319). In 1583 Herbert Ranyng elder, along with most of the leading men of Dumfries were cited to appear for apprehending and imprisoning Gavin Hogson, an Englishman, in spite of a safe-conduct given to him by the Warden, John Johnstone of that ilk. The parties cited consisted of Provost Archibald Macbrair, bailies John Merschell, Robert McKynneil and Mathew Dicksoun, also Herbert elder, Maister Homer Maxwell commissary, William Gledstainis, George Moffett, John Patersoun, James Welsche, John Thomsoun and Mungo Hamilton—who probably composed the Town Council. It is on record that Herbert Ranyng appeared at St. Andrews and defended himself in person (R.P.C. iii. 591). Herbert was dead by 1591 when his son Herbert, younger, was retoured his heir in an acre of land called Hoill acre (Inquis. Spec.). Herbert Ranyng younger had been summoned in 1579 before the Privy Council with Archibald Macbrair of Alma-gill, Maxwell of Cowhill, Thomas Sawrycht wright in Dumfries, John Yair there, Archie Mcbrair, son of the late Thomas McBrair and John Kid cordwainer there, for "blude-drawing" of Robert Johnstone of Carnsalloch in the previous January (R.P.C. iii. 767). In 1597 Herbert, younger, was a bailie and we find John Corsane and Herbert Birkmyr, his co-bailies, going surety for him, Thomas and John his sons, and also John Marschaell, Francis Irving, Robert Batie and John Gledstainis apöhtecary, burgesses, not to harm Isobell Kirkpatrick relict of Richard Kennan (R.P.C. v. 679). From an entry quoted elsewhere we know that Herbert younger had married Janet Davidson, and in addition to Thomas and John, had a son named David (R.P.C. xiv. 512). He had also a daughter called Agnes (R.P.C. xiv. 484). Herbert was dead before 1607. In 1605 Thomas Ranyng had been a surety and John Ranyng (? his brother) a witness thereof (R.P.C. vii. 607).

In 1609 Thomas was Dean of Guild (R.P.C. viii. 243); in 1611 a bailie and surety for James Lord Torthorwald in £2000 (R.P.C. ix. 688). Thomas was dead by 1623, for Agnes Rayning wife of John Williamson merchant burges of Dumfries was retoured on 10 Dec. heir, (1) to her father Thomas in three acres of Gallowrig;

(2) to her grandfather Herbert in a tenement and garden; (3) to her great grandfather Herbert in the above two items and half acre in Braidmyre (Inquis. Spec.). The main line thus ending in a female, it was left to John brother of Thomas to carry on the family. John Ranyng was in his turn Dean of Guild in 1617 and like Thomas seems to have had dealings with Lord Torthorwald (R.P.C. 1616-19, 57). He was a bailie in 1626 when Patrick Young chirurgeon went surety that Thomas Mitchelson merchant burghess would not molest Provost Francis Irving, John, Harbert and Mr. John, his sons, John Ranyng, Andro Swane and John his son, William, George and John Irving merchants there, George Rome burghess, and numerous other Irvings (R.C.P. xv. 287). This George Rome was closely connected to John Ranyng through his wife, Issobella Ranyng (R.M.S. 1620-33, 1882). It should not be overlooked that Patrick Ranyng bailie who served on an assize in 1607 (R.M.S. 1609-20, 320), must have been of this family, so too may have been the Percy Rayning, the Border criminal who was before the Justice Ayre at Dumfries in 1642 (R.P.C. xxi. 351). The last note of the family we have is in 1675 when Margaret Clerk relict of William Rayning tailor in Dumfries, brought a successful action for wrongful ejectment and destruction of writs against John Coupland "late bailie," to whom William had wadsett some land in the Burgh as security for a loan (R.P.C. xxvi. 327).

(b) The family name of BRYCE, though frequently met with at the present time, does not seem to have been at all common at an early date. The first person of this name of whom we have record is Richard Brice, provost of Stirling, who in 1296 gave homage to Edward I. (Ragman Roll). The name does not occur again till 1480 when we hear of a family named Brise at Largs (Ex. R. ix. 589). At the same period there was a family of that name in Montrose, land there having belonged to the deceased George Brice in 1492 (R.M.S. 1424-1513, 2113). He must have been some relation of the Dom. Alexander Bryce who officiated as chaplain there in 1495 (*ibid.* 2304).

At a later period a Linlithgow family of this name comes under notice, amongst them being Dom. Ninian Brice who often appears as witness (1536-59) and a William Brice, serjeant of that burgh, who from 1552-76 received payments from the Exchequer and seems to have been tenant of Kilmuirheid in that shire in 1590 (R.M.S. 1580-93, 752).



It is not known whether the Dumfries family of that name was in any way connected with the Stirling or Montrose families. Indeed it would be almost impossible to establish it, as the Dumfries family never rose to any importance and soon disappeared altogether. Early in the 16th century a William Bryse owned a tenement in Dumfries in the Newtoun (R.M.S. 1513-46, 862). Perhaps he was the same William who received from the Lord Treasurer in 1517, 18d. per ell for twenty-five ells of linen (L.H.T. v. 117). In 1526 John Bris, elder and younger, received a respite with others from the neighbourhood, including the Earl of Cassillis, for the slaughter of a Dutchman named Cornelius de Machterna (R.S.S. i. 3386).

Either father or son afterwards served on an assize at Dumfries in May, 1531 (R.M.S. 1513-46, 1168). But it was probably John Bris younger who was named with others in the Cairn valley as having to appear before a Commission of Justiciary in 1546 for various crimes (Ex. R. xviii. 404). He had previously been made a burgess on 2 Dec. 1534 (D. & G. N. H. & A. Soc. 1912-13).

Three members of this family however occupied prominent positions in Dumfries, all in turn having been Vicars of Dumfries. Dom. John Bryce we know was prebendary of Lincluden in 1579 (R.M.S. 1546-80, 2889 & 2488), and had a son named John Bryce who on 12 Feb. 1574-5 received letters of legitimisation (R.M.S. 1546-80, 2361). At the same time there was another John Bryce in Dumfries, a burgess, whose two sons, both named John Bryce, received letters of legitimisation on 3 July, 1583 (R.M.S. 1580-93, 576). Which of all these bastards represented Dumfries in Parliament it is impossible to say. The son of the Vicar seems the most likely candidate. If however the John Bryce burgess of Dumfries who witnessed a charter in Jan. 1597 (R.M.S. 1593-1608, 1186) and figured in a bond of caution in 1590 (R.P.C. iv. 596) is the same as the burgess, father of the two bastard Johns, rather than either of them (who doubtless became burgesses in due course), then he is by far the most likely identification. But in the absence of other evidence, precision is impossible. Probably we have a trace of one of the bastards in the "John Bryce in Dumfries" who figured in a bond of caution in 1598 (R.P.C. v. 688). The family seem to have adhered to the Catholic faith, for in Nov. 1601, John Bryce elder and younger, John Corsane and others were summoned before the Privy Council for hearing and

saying Mass. John Bryce younger failed to appear and on Dec. 15 John Maxwell skinner burgess went caution for him to answer before the Privy Council when called on (R.P.C. vi. 807). John Bryce elder also did not appear, pleading that disease and infirmity prevented his attendance. He seems however to have been compelled to attend and was lodged in the Tolbooth till Jan. 14th (R.P.C. vi. 327). Perhaps in this John Bryce we may have both the burgess and M.P. It is uncertain whether he was still alive in 1607. On 2nd May of that year Sir William Cranston, Captain of the Garrison, went to Dumfries with a party of horsemen on Privy Council business. Their arrival coincided with a May Play at which some of the inhabitants were armed with muskets and hagbuts. Whilst Sir William was having refreshment, John Bryce younger, John, son of William Irving merchant, and John, son of John Irving in Lochmabengait, picked a quarrel with some of Sir William's party and, coming to blows, raised the cry "a Loreburn." Whereupon John Corsane, Roger Kirkpatrick and Herbert Birkmyre, bailies of Dumfries, gave the like sign to the multitude, according to Sir William's deposition. Forty or fifty shots were then discharged, and some of Sir William's horses wounded. He not unnaturally concluded that the attack was premeditated and that the inhabitants, being armed with muskets, "were ready to execute thair detestable purpose." Had not the company escaped, he was of opinion that they would all have been massacred. The bailies were consequently summoned before the Privy Council in July, 1608, and John Corsane had to go caution in £100 for John Bryce. On July 21 both John Corsane and John Bryce were committed to the Edinburgh Tolbooth with other Dumfries men already there—until the authors of the commotion were given up (R.P.C. viii. 86 et sequa). This is about the last we hear of the Dumfries Bryces, unless Cuthbert Bryce in Dowlarg Wodheid, servitor of Herries of Mabie, in 1602 was a relation (R.P.C. vi. 475). So also may have been the James and John Bryce in the parish of Anworth, who petitioned against the Service Book in 1637 (R.P.C. xx. 712). James probably was co-tenant with James Carsone in the six merkland of Rottraw in Kirkandrews in 1631 (R.M.S. 1620-32, 1868).

(g) Annandale was the home of the HALIDAY family. A branch of the family settled at an early date in Dumfries, a Nicholas Halyday being bailie there in 1445 (Ex. R. v. 193). In 1468 a John Haliday indweller in Dumfries was bailie of Sir David Heris

and infest James McDowell of Spottis in the lands of Threpland and Glaisters (H. Inventory, 8). In 1510 we learn of certain lands in Dumfries which were owned by the late Nicholas Haliday (R.M.S. 1424-1513, 3513). This Nicholas was probably a son of the bailie. Another proprietor of land within the Burgh was William Haliday (1506) who we may conjecture was a brother of the younger Nicholas (*ibid.* 3010). Though proof is lacking, it is likely that the younger Nicholas was succeeded by his son John Halleday who was bailie of Dumfries in 1528 (Ex. R. xv. 450). Perhaps he was the same John who witnessed a burgh charter in 1549 (R.M.S. 1546-80, 556).<sup>1</sup> Amongst the signatories of the Band of Dumfries in 1570 was John Halyday and Thomas Halyday (afterwards Commissary) with James his father (R.P.C. xiv. 66) who was dead by 1580, having been in occupation of some ecclesiastical lands in Dumfries (R.M.S. 1580-93, 100). It is conjectured that both James and John were sons of bailie John. This John Haliday who figures in the Band of Dumfries was the ancestor of a long line of that family settled first in Dumfries, then at Edinburgh and later at Tullieboill. He laid the foundations of the family fortunes.<sup>2</sup> With his son John Haliday, writer, he was party to the action set out in appendix A, No. 37, concerning the patronage of the chapel of St. Andrew the Apostle in the parish church. The endowments of the chapel were obtained by John Haliday from the Wallace family, by a disposition which we are told was adjudged repugnant to the Acts of Parliament and Divine Law. A royal charter of 13 May, 1574, however, ratified the alienation with the proviso that when the chaplainry be vacant, the patrons should confer the endowment on the University or schools for their sustentation (R.M.S. 1546-80, 2246). John Haliday the writer was a witness of a Sanquhar charter in 1579 (R. & M. S. 1546-80, 2871).<sup>3</sup> He was a procurator for William

1. On 13 July, 1559, Adam Haliday, burgess, received a charter of land in the Brigend from the Greyfriars. (D. and G. N. H. and A. Soc., 1912-13, p. 340).

2. The Aitken MSS. records a sasine (the property of Miss Richardson, Dumfries), granted by Adam Sturgeon in Millerlands to John Haliday and Marion Cuke his wife, of a tenement having on its north and south the tenements of Homer Maxwell and Robert Johnstone, rector of Lochmaben, 13 Dec., 1580.

3. In August, 1598, John Haliday, the writer, obtained confirmation of a grant in his favour of 2 acres of land lying between the lands of the late Dom John Rig, prebendar of Lincluden, the lands of Adam Walkar, and the Laripotts, by the late Dom John Edgar, chaplain of the B.V.M. chapel in parish church of Carlaverock, who had previously set the same land to John Rig, dyer, for 24/8d. (R.M.S. 1593-1608, 777).

Maxwell of Carnsalloch in a band of caution in 1585 (R.P.C. iii. 736). On 17 March, 1584, he became an advocate, his practice in both capacities being most extensive. By 1580 he was a widower, figuring in a deed 18 March as John Haliday, writer, spouse and assignee of the late Margaret Moncreiff, tackswoman, with her brother Hew, of some fishings in the New water of the Rynde at Pittenween (Cal. of Deeds. xix. 218).

In 1586 he commenced to acquire property, purchasing from John Critchton, feuar of Innernytie, the lands and fishings of Blackhall and Rogertoun, Perthshire (R.M.S. 1580-93, 1061). In 1598 he bought from Andrew Hering of Glascune the lands of Tullieboill in Fife (R.M.S. 1593-1608, 769). In Oct. 1605, Tullieboill and Elizabeth (Hay) his wife received a charter of quitclaim of the lands of Strykynness, in the regality of St. Andrew's, and Magister James his third and William his second son received a similar charter of the lands of Ballone also there (R.M.S. 1593-1608, 1675). John Haliday of Tullieboill died 19th September, 1606, having on 13 Aug. 1605, given a charter of Tullieboill to Magister John Haliday, his eldest son, and Helen Oliphant, his future wife (R.M.S. 1593-1608, 1912).

His third son Magister James in 1616 obtained a grant of Pitlochrie and Bannachtie in Fife resigned by Robert Arnot of Ferny (R.M.S. 1609-20, 1550) in which he is described as Commissary of Dumfries, in which office he had succeeded Thomas Haliday who was Commissary as late as 1611 (Herries Inventory, 359).

(h) MAJOR JEREMIAH TOLLHURST was not in the proper sense of the word a representative of the burgh. When Charles I. was beheaded, the Scots Parliament proclaimed his son Charles II. as King, and Parliament continued to transact its normal business till 6 June, 1651. It did not sit again in Scotland till 1661. But under the Commonwealth deputies were appointed—they could scarcely be called elected—to represent Scotland, at a joint sitting with a Committee of the English Parliament "in that Chamber at Westminster called the House of Lords" on 9 Oct. 1652. Dumfries had now to share a Member with Sanquhar, Annan, Lochmaben, Wigton, Kirkcudbright, Whithorn and Galloway, all of which had previously had members of their own. The rest of Scotland was dealt with on similar lines (S.A.P. vii. pt. ii. 823), there being 10 members for the Burghs and 20 for the shires (S.P.D. [1654], 197). Major Toll-

hurst accordingly represented Dumfries and the other Burghs at Westminster in 1654, having already represented Carlisle. He had been in Newcastle in March, 1653, and in correspondence with the Admiralty (S.P.D. [1653], 246). That year he went to Dumfries to settle the affairs committed to him by the Commissioners of Parliament (*ibid.* 547). He was with the army in Scotland 1653-4 and obtained a discharge for disbursements amounting to £1501 8s. 5d. (S.P.D. [1653-4], 118). In Feb. 1655-6. he was at Carlisle reporting on the ruinous state of the citadel and Castle (S.P.D. [1655-6], 178), and from a warrant for payment of troops, he appears to have been in command of part of Lord Howard's Regiment there. Peacock does not mention him, but Dalton (vol. i. 83) says he was a Major in Sir John Sayers' Regiment of Foot in June, 1667, when that Regiment was disbanded after the Treaty of Breda. Tollhurst only sat for Dumfries for two years. Writing to Secretary Thurloe on 9 Aug. 1656, Lord Broghill stated "There was one I did not like, which made me send for my Lord Hartfell, a kinsman of my wife's, and the leading man there: and I have engaged him to choose Judge Smyth and Col. Salmon. Smyth is a verry right man. I shall engage he will be chosen. I hope you will not have one unfit person out of this nation" (S.A.P. vi. pt. ii. 903).

(i) COL. SALMON had previously been a Commissioner of Supply for the shire of Edinburgh in 1655 (*ibid.* 839). He was elected for Dumfries in 1656 in succession to Tollhurst, but preferred to sit for Scarborough (*ibid.* 782). Judge Smyth was one George Smith, one of the judges of Scotland: he had been M.P. for Midlothian in 1652, and in 1656 he represented the shire of Dumfries (*ibid.* 782). He was dead by 1658 (*ibid.* 916), when Tollhurst was elected to his seat.

(j) When Col. Salmon selected Scarborough as his seat, CAPT. THOMAS TALBOT was elected for the combined Burghs. He was in the Commonwealth army and in 1654 had his arrears of pay paid off (S.P.D. [1654] 343). The same year he had been granted a pass to go to France with a servant (*ibid.* 437). He was a Commissioner of Supply for Dumbartonshire in 1655-6, 9. Talbot was replaced in 1659 by Tollhurst who was the last Commonwealth representative of the Burgh. In 1661 a Scottish Parliament once again assembled in Scotland, Dumfries being represented by one of its own burgesses in the person of John Irving.

**75.**—The earliest existing document appointing Commissioners for Dumfries to the Convention of Royal Burghs is for the year 1567. It is dated 11 Sept. and appoints James Rig and Thomas Makmynnes, burgesses, "to be oure verie lauchfull and undoubtit commissaris, actouris, factouris, and speciall erand beroris." The document is written by the Burgh Clerk, Herbert Cunynghame, and "oure common seil" was affixed in the Tolbuith before twenty-one named witnesses who probably comprised the Burgh Council for that year (R.P.C. i. 567).

The following imperfect list of Commissioners is compiled from the Records of the Convention. An asterisk signifies that the Convention was not one of the annual General Conventions.

John MacBriar. Provost.	1552.	Herbert Raynyng.	1586.
John MacBriar. Provost.	1555.	John Merschell.	1587.
James Rig.		William Bryce.	1587.*
James Rig and Thomas Makmynnes		Roger Gordoun.	1588.
Archibald Macbriar. Provost.	1567.	Herbert Rayning.	1591.
James Rig.	1570.	Herbert Raynyng. Provost.	1592.
Archibald MacBrayr.		Herbert Raynie.	1594.
Herbert Raynyng.	1574.	Cuthbert Cunningham.	1597.
Thomas MacMenis.		Robert Rychartsoun.	1598.
Herbert Rayning.	1575.	Robert Rychartsoun.	1599.
Archibald Macbriar. Provost.		John Corsane. Bailie.	1600.
Herbert Raynyng.	1578.	Halbert Cunnninghame. Clerk.	1600.*
Robert ? Raynyng.		Represented by Commissioners for Air.	1601.
John Merschell.	1579.*	Adam Corsane.	1602.
Matthew Dicksoun.	1582.*	John Corsane. Merchant.	1603 & 1604.
William Gledstanis.		John Corsane.	
John Merschell. Bailie.	1583.	Halbert Cunnninghame. Clerk.	1605.
James Johnstone.		John Corsane.	
Symon Johnstone.	1584.	John Corsane. Bailie.	1606.
Alexander Maxwell of Newlaw. Provost.	1585.	Robert Richartsoun. Merchant.	1607.
Maister Homer Maxwell. Bailie.		Thomas Raynie. Bailie.	1608.
Herbert Raynyng.			1609 & 1610.
James Rig. Co-burgess.			

John Corsane.	1611.	Robert Grahame.	May, 1660.*
Francis Irving.	1612.	John Cunninghame,	July, 1660.
James Cunningham.		John Irving.	Dec. 1660.
Bailie. 1612.* 1613.	1614.	John Irving,	1662, 1663.
	1615.	John Coupland.	1664.
John Corsane.	1616.	Stevin Irwing.	1669.
Francis Irving.	1617.*	John Irving.	1669.*
John Cosane.	1618.	Stephan Irving.	1673.
Stevin Lourie.	1618.*	James Kennan.	1674.
John Corsane.	1619.	William Craik.	1675.
Stevin Lourie.	1620.	— — — — —	1676, 1678,
John Corsane.	1621.		1680, 1681.
John Corsane. }	1622.	John Coupland.	1682.
Francis Irving. }		William Fingass.	1683.
William Auchinleck, }		John Irving.	1684.
Moderator. }	1623.	William Fingass.	1685.
William Carliel.		John Irving.	1686.
Francis Irving, 1624, 1625, 1626.		John Maxwell.	1687, 1688.
John Corsane.	1626.*	James Kennan,	1689, 1690.
John Irving.	1627, 1628.	John Irving.	Feb. 1692.
Robert Richardson.	1629.	Robert Johnston,	July, 1692.
John Irving.	1630.	Robert Johnston,	1693, 1694,
Records, 1631—1649, lost.			1695.
Thomas McBirnie.	1649.	John Reid.	1695.*
Only 9 Burghs represented in		John Irvine.	1696.
Convention, which was hur-		John Reid.	March, 1697.
riedly prorogued owing to ad-		Robert Johnston.	July, 1697.
vance of English Army, 1650.		John Irvine.	March, 1698.
		John Reid,	July, 1698.
John Cunningham.	1657.		and Feb., 1699.
John Corbet.	1658.	John Irvine.	July, 1699.
Robert Bartane.	Feb. 1660.*	Robert Johnstone.	1700.

**76.**—"To me to-day; to you to-morrow." "One hand rubs the other."—Latin proverbs.

**77.**—There is nothing in any of the old Scots Acts of Parliament definitely relating to the beautification of the Burghs. The Act of 1594 is entitled, "Anent the uphalding of decayit landis within

burghs." It empowered the Magistrates to hold from time to time an inquest of the neighbours upon citation by the heretors, on the tenements and properties within the Burgh. If they found a tenement in a ruinous condition, or any land "biggit of auld and throw lang tyme decayit, as to be uninhabitable or almost so," the magistrates were, by precept, to call upon the conjunct fears or liferenters to repair the premises within a year and a day. Failing such reparation the heretors or magistrates were to enter into possession of the premises, as if there had been no liferenter, and repair or sell the lands—provided that any surplus maills, duties, etc., were handed over to the liferenter of conjunct fear. "And this to be extendit to all brunt and waist lands" (S.A.P. iv. 71). A further Act, with similar provisions, was passed in the 3rd session of the reign of Charles II., being the 12th Act recorded. It referred to ruinous houses upon the High Streets or vennals of Royall Burrows. Though sometimes it may have operated harshly, the Act was very beneficial. Between 1700 and 1800 the Town Council Minutes contain plenty of cases of the enforcement of these Acts. But in 1714-15 it was "seriously urged," as stated by Edgar, with completeness and effect.

**78.**—This quotation should be, "Munera, crede mihi, capiunt hominesque deosque"—gifts, believe me, capture both men and gods.—*Ovid*, *Ars. Am.* iii., 653.

**79.**—Edgar's statement that the Cunynghame family in Dumfries was a cadet branch of the Glencairn family is not susceptible to proof. The first recorded burgess of that name is Nigel de Cunynghame, who in 1381 witnessed the Fleming charter of the Lordship of Galloway to the Douglasses (*R.M.S.* new vol., 507). He obtained an annual grant of £11 from the lands of Carloverock (*ibid.* 608), probably on 7 Sept. 1362 (*ibid.* 102). There is no reason to suppose he was identical with the Nigel de Cunynghame who obtained a grant of West Barns (Fife), in 1376, and was ancestor of that branch (*ibid.* 593). Not till 1457 is another Cunynghame mentioned in Dumfries, when a document was witnessed in a tenement in Dumfries belonging to Adam de Cunynghame (*Liv.* 346).

It is not known what relation to this Adam was William Cunyngham, who entertained the King in his house at Dumfries in



1501 (L.H.T. ii. 104), and again in 1509 (Ex. R. xiii. 132). But the position of William Cunynghame in the Burgh could only have been second to the Macbrair family. In 1511, in conjunction with his wife Katharine Birkmyr, he made separate endowments of the altar of the Holy Blood in St. Michael's.

In April, 1511, he obtained from Ninian Glendining, of Parton, a charter of the 5 merk land of Eyrnmannach, and the 20/- land adjoining thereto in the Lordship of Parton, in favour of himself, wife and David, their son (R.M.S. i. 3564). He had another son Thomas (R.M.S. i. 3513), and perhaps the Eliseus Cunynghame, burgess, who witnessed the Castledykes charter, may have been another son (R.M.S. ii. 2083). William Cunynghame is alledged to have been infeft in the lands of Lordeburn on 2 March, 1490 (Aitken MSS.).

In 1529 his son David was in possession of land and a garden in the Newtown (R.M.S. ii. 862).

In 1549 David Cunynghame, now a bailie, together with Eliseus, John, and Herbert Cunynghame, burgesses, was a party to the Macbrair charter from the Burgh (R.M.S. iii. 556). Herbert Cunynghame had been a bailie in 1531 (R.M.S. ii. 2083), and may have been the Town Clerk who drew the 1549 charter. It is, indeed, a most difficult problem to find out the relationship between these early Cunynghames. They seem all to have been in the Law, and to have occupied all the legal posts in the Burgh. Herbert was the commonest name in the family, a fact which renders the task of identification amongst all the notaries of that name very difficult. Thus, in addition to the Town Clerk of 1549, and the bailie of 1531, there was a Herbert Cunynghame in 1532, "clerk," and nephew and heir of William Cunynghame (the host of Royalty), in Cruikit Akyr. Then there was in 1556 a Herbert Cunynghame, "clerk of the Sheriff Court" (Drumlanrig Papers, i. 74), who, or it may have been his son, was still sheriff clerk in 1574 (Raehills Papers, 26). Again, there was a Herbert Cunynghame, Town Clerk in 1567 (R.P.C. i. 568). As will be seen this by no means exhausts the number of known Herbert Cunynghames in the 16th century.

In June, 1558, there was a John Cunynghame in possession of an acre of land in the Friarhauch of Dumfries (R.M.S. iii. 1658). He was probably the burgess of 1549 (*ibid.* 556). A man of this name signed the Band of Dumfries in 1570 (R.P.C. xiv. 66). If the identification is correct, he was dead by the end of that year, for in 1571

William Cunynghame, son and heir of the late John Cunynghame, obtained a receipt for £10 from the warden of the Grey Friars (Moir Bryce, ii. 121). The son, who had been on the Town Council in 1567 (R.P.C. i. 568), did not hold the feu long, for in 1576 it was forfeited, and he was put to the horn for the slaughter of Thomas McBrair (Moir Bryce, i. 212).

In addition to the John Cunyngham who signed the Band of Dumfries in 1570, the signatories included William, Andrew, David, and Herbert Cunyngham, a notary. There was a notary of that name in 1587, as well as a sadler (Appendix A, No. 39), and in March, 1572, a burgess of that name had a precept directed to him (R.M.S. 1546-80, 2423). The above-mentioned Andrew Cunynghame, burgess, figures in several bands of caution of the period, in one of which Herbert Cunynghame, his son, is mentioned (R.P.C. iv. 589). Perhaps this Herbert, too, was a notary, for in Sept. 1602, Andrew, Herbert the notary, and Robert Cunynghame witnessed a band (R.P.C. vi. 802), and we know that Robert was a son of Andrew (R.P.C. vii. 674), and that James Cunynghame was another son (*ibid.* 599). The last named, James Cunynghame, a burgess, seems to have been a turbulent person. On 12 July, 1606, accompanied by his nieces, Katharine and Agnes Cunynghame (wives respectively of Thomas McMolland or McMillane and James McGowne), he broke by night into the house of Janet Hanyng, wife of Thomas Maxwell, and cruelly assaulted her, leaving her for dead, covered with blood (R.P.C. xiv. 486). James Cunynghame obtained a decree against Sir Thomas McClellane, of Gelstown, in 1612 (R.P.C. ix. 464), and was a bailie in 1616 (R.P.C. x. 635). The other two sons of Andrew Cunyngham, Herbert and Robert, followed the family profession, both figuring as notaries in 1598 (R.P.C. v. 715). Whether this Herbert Cunynghame, notary, is the same as the notary of that name who was a witness in 1593 (R.M.S. 1580-93, 2321), it is difficult to say, especially as there was a Herbert Cunynghame, Town Clerk in 1601, and a Herbert Cunynghame, burgess, and Sheriff Depute in 1606, who, with his brother Robert, the sheriff clerk<sup>1</sup> of Dumfries since 1603 (R.P.C. vi. 788), is mentioned in a legal process in that year (A.P.C. 824). Robert the sheriff clerk, or another of that name, had in 1602 been servitor to Herbert Cunynghame.

1. This position was occupied in 1638 by Andrew Cunynghame of Snaid. (R.P.C. xxi. 215), who had been retoured heir to his father John, in the Merklelands of Kirkschaw, in the barony of Snaid, in 1614 (Inquis. Spec.).

hame, the Town Clerk, and had persuaded William Cunynghame, merchant burgess, of Edinburgh, to go caution for him (R.P.C. vi. 711). Another Robert Cunynghame, merchant, in Dumfries, in 1603 (*ibid.* 788), adds to the confusion, which reaches its worst on the appearance in 1616 of a Provost Herbert Cunynghame, who, with his son William, is mentioned in a supplication (R.P.C. x. 649). Herbert the provost was none other than Herbert the Town Clerk, who in 1608 received a charter of the lands of Swyre (Lag Charters). At the same time a Herbert Cunynghame "junior" notary in Dumfries, in 1615, occurs as a witness (R.M.S. vi. 1419).

Two other Christian names in this family have not yet been mentioned. In 1590 a Cristell and a Cuthbert Cunyngham attested a band (R.P.C. iv. 589), and in Oct. 1597, the same Cristell obtained a modification of a penalty (R.P.C. v. 764). Cuthbert was a notary by 1589 (R.M.S. iv. 1813), and was Treasurer of Dumfries in 1597, 98 and 99 (Ex. R. xxiii. *passim*). He was a curator of James Lindsay of Barcloy (R.M.S. 1620-33, 666). In 1607 he is described as "of Conhathie," when he was the aggressor in the pew riot in St. Michael's (R.P.C. xiv. 484). It is possible that he was the representative of the senior branch of the family in Dumfries, as it was he who vindicated the family's title to the Aisle of St. Michael's (*ibid.* 512).<sup>2</sup> Mr. Herbert Gledstanes was his son-in-law (*ibid.* 520). He was succeeded prior to 1618 by his son, Mr. Cuthbert Cunynghame (R.M.S. 1620-33, 2213), who was Town Clerk in 1630, when he was charged with falsifying a deposition which implied the practice of witchcraft by three people in Dumfries, whereby Edward Hamilton, burgess, was alleged to have met his death. (R.P.C. iii., 3rd ser., 450). He was clerk of the Regality of Terregles in 1634 (R.P.C., 2nd ser., v. 284), and was dead by 1653, when his daughter Elizabeth, wife of James Cunynghame, advocate, was retoured his heir in Calsaylands (Cassalands), Conhethbrae and the 20/- lands of Conhuith in Troqueer (Inquis. Spec.). But co-existent with these Cuthberts were two other Cuthberts Cunynghame, also father and son, who cannot be readily identified with the Con-

2. The family would also seem to have held a prebend at Lincluden which was of an hereditary nature. In 1518 Dom. Kentigern Cunynghame, chaplain to the Bishop of Glasgow, was presented to it in succession to Dom. James Cunynghame (R.S.S. i. 2979), and in 1537 Dom John Cunynghame was a prebendar there (R.M.S. 1513-46, 1727), having by his wife Isabella a son James, of Marwhirn. (Aitken MSS.).

huith branch. A Cuthbert Cunynghame was a bailie in 1601 and 1602 (R.P.C. vi. 312 and 713), and was prosecuted with Robert Cunynghame, burgess, for being present at the hearing of Mass (*ibid.*). His son Cuthbert was a cautioner in 1607 (R.P.C. vii. 697), and either father or son was Deacon of the Crafts in 1609 (R.P.C. viii. 243).

In 1616, as the result of riotous proceedings between the Cunynghame and Dickson families, a plea for reduction of caution is recorded, in which several Cunynghames are mentioned. Amongst them were Robert Cunynghame and Margaret Heries, his spouse, and William Cunynghame, merchant. In 1623 a James Cunynghame in Dumfries is mentioned in an action, and along with William Cunynghame in 1628 (R.P.C. xiii. 153) was put to the horn for hamesucken (R.P.C. xvi. 431).

In 1623 the Town Clerkship was held conjointly by Herbert and Robert Cunynghame (R.P.C. xiii. 153). Herbert was dead by 1627, when his widow Elspeth Maxwell was named as a Papist (R.P.C. xvi. 128). She was put to the horn the following year (*ibid.* 283), and lodged in the Edinburgh Tolbuith (*ibid.* 330). She was released on 17 July, 1628, on condition she would remain in Edinburgh and mend her ways, Adam Cunynghame, advocate, going surety in 500 merks. But she would not attend the kirk, and, contrary to her promise, sought no conference with the ministers, so she was recommitted to the Tolbuith on 24 March, 1629 (R.P.C. xvii. 109). On 2 June she petitioned the Privy Council to be allowed to leave the country, complaining that she had been thrown amongst common malefactors. So, on condition that she left the country before 1st July, and found surety for 1,000 merks, she was released (*ibid.* 155).

Herbert Cunynghame, the deceased Town Clerk, seems to have been succeeded by William Cunynghame, who in 1629 was wounded in a scuffle caused by a prisoner's escape (R.P.C. xvii. 13). William the Town Clerk was dead by June, 1656, when Herbert, his son, was retoured his heir (*Inquis. Gen.*)<sup>3</sup>

As, however, Mr. Cuthbert Cunynghame, of Conhuith, was Town Clerk in 1643 (R.P.C. xxii. 82), and as late as 1650, it is evident that the practice of conjoint Town Clerks had become quite established.

3. Perhaps this is the Herbert Cunynghame, who was charged with riot in 1662 (R.P.C. xxiii. 239), and figures as a notary in 1663 (*ibid.* 367).

With the Restoration, the Cunynghame grip on all the lucrative legal posts connected with the district began to relax. The Revolution had brought fresh families to the front. In 1662, on the death of James Cunynghame, the sheriff clerkship fell vacant. James had been presented to the post by the Earl of Stirling, Secretary for Scotland. Lauderdale, the new Secretary, proceeded to present to the vacancy Mr. John Logan of Sheriffbrae, on 23 Dec. 1662, but James Crichton of St. Leonards, the sheriff, refused to admit him, and permitted James Maxwell to exercise the office. The matter came before the Privy Council, who held that Logan's appointment was valid (R.P.C. xxiii. 444).

Yet another branch of the family reached even higher legal honours. In 1602 Adam Cunynghame, servitor to John Oliphant, writer, received a Royal grant of a tenement and garden in the Soutergait of Dumfries, which had reverted to the Crown on the death of Richard Knowis, tanner and burgess and a bastard (R.M.S. v. 1345). Adam was admitted Advocate on 6 Jan. 1607. In the same year he obtained a Royal feu of the Plattercroft (or Quarrelcroft), being about 8 acres at the east end of the Brig of Dumfries (R.M.S. 1593-1608, 1987), which had previously been occupied by the late Lawrence Grier, and then by the late Thomas McBair. The next year he brought an action for the wrongful oppression of his tenants at Dornagittis, Kirkgill, and Abisatland (R.P.C. viii. 155) against James Johnstone of Westraw. He soon had an excellent local practice. In 1615 he obtained a grant of lands in the barony of Kirkmichael, resigned by Oliver Dinwoddie, which he in turn resigned two years later in favour of William Kirkpatrick of Kirkmichael (R.M.S. 1609-20, 1251 and 1702). By 1625 he was Commissary of Dumfries, and obtained a general charter of ratification of previous grants of lands in Rowcan adjoining Dargavells, certain dominical lands in Cumnock and Uchaltrie, and the £10 land of Arkleton in Eskdale (R.M.S. 1620-33, 919). This last named property he had regranted to himself and Mag. Adam Cunynghame, his eldest son, in 1633 (*ibid.* 2109). In 1634 he was made a J.P. (R.P.C. v., 2nd ser., 378). A few years earlier he must have acquired the lands of Woodhall, in the barony of Reidhall, for in 1635 Woodhall and other neighbouring lands were erected into the free barony of Woodhall in favour of Adam Cunynghame of Woodhall, advocate, and Mag. Adam, his eldest son (R.M.S. 1634-51, 285). On 6 June, 1637, he was raised to the

Bench. The warrant for his appointment, dated 13 May, still exists at the Register House. It is superscribed by the King with this addition in holograph—"Let this pass; but with this proviso, that he be found totalie conform to the discipline of the church." (State Papers MS., 131). He died before 13 June, 1639, when Sir Alexander Falconer was nominated to his place. (Hist. Acc. of Senators of Coll. of Justice, p. 297). For his descendants see printed pedigree (Appendix D).

**80.**—Whatever may have been the origin of the McKynnell family, Edgar is quite right in stating that they were tenants on the Conventual lands of Bruntscairth prior to the Reformation. Like all other monastic establishments, Melrose hastened to alienate its property. In August, 1565, Michael, commendator of Melrose, granted a charter of the 10/-s. land of Auchincreich, in the parish of Dumfries, to Edward McKynnell, tenant therein. James and John McKynnell also obtained charters of the merkland and 40d. lands of the same respectively. John, who appears to have married Elizabeth Newall, also obtained sasine of a 6/8d. land within Auchincreich. Another member of the family, Heleus McKynnell, was granted a 40d. land there, at the same time (M.S. Abbrev. Feu. Ch. of Kirklands ii. 240). At least three of these properties were adjoining, for in 1579 there is mention of the late William McKynnell, junior, of Auchincreich, who had sold his 40d. lands, together with his tenement called the "outsett," lying between the tenements of James and Eliseus McKynnell, to William Slewman, who had already acquired a holding there from the Monastery (R.M.S. 1580-93, 1721).

John Richardson, burgess, who obtained the Greyfriars feu, married Elizabeth McKynnell (R.M.S. 1546-80, 1658), whilst another burgess, Robert McKynnell, frequently attested documents. This Robert obtained a feu of the 6/8d. lands of Bruntscairth in 1606 (R.M.S. 1593-1608, 1705), and with William and John was still in Bruntscairth the following year (*ibid.* 1910). From the Inventory of Bruntscairth, in the Barjarg MS. more particulars of the family can be obtained circa 1623 and later, but enough has been given to show that in that corner of the parish were settled quite a colony of McKynnells.

**81.**—Tradition asserts that the family of Corsane is descended from an Italian named Corsini, who was imported by Dervorguilla to build Sweetheart Abbey. Everything, however, points to a Galloway origin. As early as 1296 Robert de Carsan, parson of the moiety of the church of Kirkandrews in the Sheriffdom of Dumfries, figures in the Ragman Roll<sup>1</sup> (Bain ii. 212), and in 1298 Laughlan, son of Laughlan de Carsan, and Donevald, son of Thomas de Carsan, were amongst some Galloway hostages lodged at Carlisle, where they died in prison, after 300 days of confinement (Bain ii., p. 301). In March, 1305, John Acarsan, "scutifer," with other Galloway and Dumfriesshire men, retook the castle of Dumfries from its Brucian garrison, after the death of Comyn (Bain iv. 389). Perhaps this may be the first of the eighteen John Corsanes whom tradition asserts figure consecutively in this pedigree. But it is not probable, as all the persons who took part in this exploit were landed proprietors from the neighbourhood, and not burgesses. In 1373 Thomas, a Carsan was deputy to John de Carnys, custumar of Linlithgow (Ex. R. ii. 402), and under the description of King's minstrel (Chamberlains Rolls, ii. 95), was granted a pension of £10 and a tenement in Linlithgow (R.M.S. new vol., 561). In 1394 Donald Akersan,<sup>2</sup> of the diocese of Whitherne, petitioned the Pope for a benefice in the gift of the Abbot and Convent of Holyrood (P.P. i. 619), and circa 1400 Sir Alexander Corsane witnessed a charter of Archibald the Grim to Sir John Stewart of the lands of Calie.

In 1408 Dom. Thomas Corsanus was perpetual vicar of Dumfries, and another priest, a canon of St. Ninian's, named Michael Acarsan, in 1445 received a safe conduct (Bain. iv. 240).<sup>3</sup> In 1464 a John Acarsane had sasine of Gaitgilmakkilwernock, in the parish of Borgue (Ex. R. ix. 670), being fined in 1473, along with Thomas

1. He may be identified with Schir Robert Carson clericus, who witnessed (according to Glenriddell) the earliest Kenmure charter by John de Maxwell, son and heir of Herbert de Maxwell, to Adam de Gordon, of  $\frac{1}{3}$  of the Glenkens. The charter has no date, but Douglas attributes it to 1276 (Aitken MSS.).

2. Perhaps he was none other than "Kessanus clericus noster," who witnessed in 1370 a charter of Donald, Earl of Lennox. (R.M.S. new vol. 371).

3. Indeed, the family was full of Churchmen. Dom. Alexander Kersane was vicar of Enerlethane in 1451 (Mun. Gl. Univ. ii. 55), and as such was candidate for licentia at Glasgow in 1455. He was also vicar of Cumlechan. (ibid. 181).

Makcarsane, for harbouring Gilbert McGey (L.H.T.A. i. 8). He was succeeded in Gaitgil by another John in 1476 (Ex. R. ix. 678), who at once resigned these 25/-s lands in favour of Thomas McKelle (R.M.S. 1306-1424, 253). The connection with the McClellanes is not altogether clear, but it would seem to be a marital link in the person of Elizabeth Kersane (R.M.S. 1424-1513, 2137). No relationship can be established between these early Corsanes and Sir Robert Corsane of Glen or Rusco, who, according to Nisbet, was the ancestor of the Dumfries family. Sir Robert had two daughters; Marion, the eldest, married Sir Robert Gordon of Lochinvar, and on his death, in 1525, married Thomas McClellan of Bombie, who was killed at Edinburgh on 11 July, 1526, by his stepson, James Gordon of Lochinvar; and Janet, married to Edward Maxwell of Hillis (Maxwell Inventory, 310).

Numerous other branches of the family are to be met with circa 1500. There were Corsanes in Kirkcudbright, Corsanes of Senwick and Galtway, and a Thomas Carsen owned lands in Edinburgh in 1493, from which the Abbey of Holyrood drew annual rents (Cart. St. Crucis, 240).<sup>4</sup> There was a Thomas Acarsane in Braco whose goods were escheated for not accompanying the King's army to the siege of Tempaltoun in 1508 (R.S.S. i. 4074). There was an Andro Akersane, who was granted a respite for burning the Place of Dunskey in 1503 (R.S.S. i. 933). In 1508 Letters of legitimisation were issued to David Akersane, bastard son of Schir Walter Akersane, chaplain (R.S.S. i. 2713), who on 2 Dec. 1509, was presented to the chapel of Boykin in Eskdale, and to the old church of Cowper (*ibid.* 1967). In 1508 Peter Carson, as a member of the cathedral convent of Whitherne, witnessed a charter (Liv. 730), whilst Schir John Carsane, chaplain, witnessed a Kirkcudbright charter in 1528 (Liv. 1034).

The early history of the Dumfries branch is not traceable. On 30 June, 1367, Maurice and Gilbert Acrassane served on an assize at Dumfries, and may well have been burgesses (Reg. de Morton, ii. 64).<sup>5</sup> Thereafter, there is an hiatus till 1477, when Patrick

4. Another branch of the family was settled in Wamphray; Rolland Kersane being bailie there to John Johnstone of that ilk in 1476 (Annandale Bk. i. 14).

5. There was a William McCassane (? McCorsane), a tenant of the Douglasses in the town and barony of Preston (Reg. Hon. de Morton).



Corsane, an undoubted burgess, owned a tenement in Dumfries (Liv. 468). If he was the father or even the grandfather of the 11th traditional but first historical John Corsane of Dumfries, then tradition, always suspect, may be safely ignored. Even if it be assumed that there were eleven previous consecutive John Corsanes between the days of Dervorguilla and the 12th, who died before 1580 (R.M.S. 1580-93, 100), early marriages and rapid deaths must have played havoc with the family, allowing 30 years to a generation. From this John Corsane the pedigree can with certainty be traced, and will be found in appendix D.

**82.**—Francis Irving, the first recorded member of that family to become provost, is alleged to be a son of Irving of Bonshaw (Hist. of Irvings). He does not seem to have owned any property in Red Kirk; but on 12 Dec. 1615, he obtained a charter of Branthwat, in the parish of Cummertrees, from James Douglas Lord Torthorwald (Aitken MSS.). There were, of course, numerous Irvings in Dumfries at a much earlier date.

**83.**—Of all the families sprung from Dumfries, the McBairs have the longest and most honourable connection, having been virtually hereditary Provosts of the Burgh for nigh 150 years. Their forbear was Andrew McBair, bailie of Dumfries in 1384 (Ex. R. iii. 125). In 1427, Herbert McBair, perhaps a son of the bailie, received a grant of Almagill, in the parish of Dalton (Barjarg MSS). Another early reference to the name occurs in 1438, when Cuthbert McBair was Rector of Hutton (Hist. of the Corries, 44). In 1444 Robert McBrayr, son and heir of the late Herbert McBrayr, burgess, granted a charter of a tenement in Dumfries (see Appendix A, No. 11)<sup>1</sup> In 1453 the same Robert McBrayr, now provost, obtained a feu of the lands of Netherwood (ibid. No. 13).<sup>2</sup> It is not definitely established who the sons of provost Robert were, but there is reason to suppose that one was Herbert McBair, bailie from 1471-5 (Ex. R. viii. 102),

1. Perhaps the John McBrayr, who witnessed it, was his brother.

2. This is not the first recorded reference to Netherwood, which, with Cuvnathifrigis (Culnathisrigis or ? Conheathrig) had been granted by David II. to Fergus, son of Mathew, probably in 1345. (Robertson's Index, p. 32).

and again in 1488 (*ibid.* x. 65). Of this Herbert a good deal is known. In 1473 he obtained remission for all crimes committed, save treason, murder, and homicide, and his position is attested by the fact that the son of Lord Maxwell paid the necessary fine (L.H.T.A. i. 5). In 1483 he was at law with the brother of Maxwell of Carnsalloch for driving away oxen from Dursquhen (A.L.A. 133). In 1490 he was a witness (A.D.C. 359), and in June, 1494, had to pay Edward Maxwell of Tinwald £300 for the set of half the lands of Drumsleit with the milns of Brigend and Terrauchtie, and half the teind sheaves of Carlaveroch, Kirkbean, Curwen (Colvend), Lochrutton, and Terreglis (A.D.C. 334). The same month he relieved William Lennox of Cale of 250 franks, owed by Cale to John Bishop of the Isles (*ibid.* 343). He was dead by April, 1496, when his widow Agnes Grierson, Nicholas McBrayr, provost, and Robert McBrayr, were his executors (Maxwell Inventory, 74).

Of other McBairs who were of this generation, but cannot be definitely associated with the pedigree, were Alexander McBair (1491), who received 6/8 as his costs for appearing as a witness in a lawsuit (A.D.C. 203). "John dominick McBraare" (1494), whose lands and goods were distrained for an "unlaw" of £10 (*ibid.* 363), and the deceased Cuthbert McBare, son natural of the late Robert McBare in Dumfries, whose goods, owing to his bastardy, were granted to John Goldsmycht, of the Chapell in 1499 (R.S.S. i. 411). In 1504 a Gilbert McBair witnessed several ecclesiastical documents at Glasgow (Simon ii. 76). In 1509 two chaplains named Thomas and James McBair witnessed the Gledstones charter to St. Michael's. In 1510 there is mention of the late Herbert McBair (R.M.S. 1424-1513, 3513). In 1512 a Duncan McBair witnessed a document in the manse of Kirkbean, whilst in 1528 Thomas McBare burgess received 250 marks from John Grierson of Lag, to hold on behalf of James Gordon of Lochinvar (Liv. 1026). In 1529 Thomas and Robert McBair, brothers, witnessed the Logan charter (R.M.S. 1513-46, 862). In 1534 Master Herbert McBair, chaplain, witnessed a Maxwell sasine (Maxwell Inventory, 163), whilst a James McBair, chaplain, did the same in 1539 (*ibid.* 184).

Provost Robert McBair may have lived till 1516, when there are references to Robert McBair, elder, in the Burgh Court Books. He was succeeded by his son Nicholas, who had been provost in 1484.

Nicholas's cousin, Schir John McBair, chaplain, was killed in Dumfries by Robert Grierson (Stoddart quoting Pitcairn).<sup>3</sup> Provost Nicholas, however, took proceedings in the Court of the Archbishop of Glasgow, against Schir William Heries, whom he accused of the deed, demanding canonical purgation, on 15 Jan. 1503 (Simon ii. 44). But the provost failed to prove the allegation, nor did his witnesses appear, so at the request of Mr. James Neilson, procurator for the accused, "perpetual silence" was imposed on Nicholas, with sound of bell (*ibid.* 45). Tradition asserts that provost Nicholas fell at the battle of Flodden. He was certainly dead before 1515, and was succeeded by his son, provost Roger. On 25 Nov. 1549, the family obtained a further accession of property in the shape of a feu from the Town Council to provost John McBair, son and heir of Roger McBair, of Almagill, of certain lands which Roger and his ancestors had held in tack beyond the memory of man. The charter gives the family pedigree for five generations, stating that Herbert, Robert and Nicolas were ancestors of Roger and his son John, and that they all had been provosts of Dumfries. The lands feued are fully described, and consisted of the Mains and an oxgang of land adjoining (lying between the ecclesiastical lands of the vicarage, Over Netherwood, the lands of the late William McBair in Conhaithrig and Spittalfields), 4 acres of lands called Ryallscroft, 3 burgh acres within the bounds of Wetslakis, and a mill in the burgh (R.M.S. 1546-80, 556). Another member of this family was Friar John McBair, who was confined in Hamilton Castle in 1550, the laird of Bar being his surety (L.H.T. Acc. ix. 459). Stoddart says that he was an heretic, and had been a canon of Glenluce. At any rate, he escaped, fled to England, and became vicar of St. Nicolas, Newcastle, dying there in 1584. Provost Roger was probably dead by 1549, when his son John was provost. In 1558 the lands of Drumganes and seven acres of the lands of Conheath were acquired by Provost John (McDowall's Lincluden, 128). Numerous lands belonging to the Greyfriars were obtained at the same period (Moir Bryce).

When Provost John died his son Archibald was a minor. So we find other families occupying the provostship till Archibald came

3. Pitcairn gives from the Justiciary Records the remission granted to Grierson, who may have been instigated by Heries.

of age. Indeed, he did not even wait till then, being elected provost in Sept. 1568, three months before he legally became of age.

On Dec. 1573, provost Archibald was retoured heir to his great-grandfather William, in the three husbandlands of Almagill, in the township of Little Dalton (Inquis. Spec.). This seems to be a mistake, as Nicholas was his great-grandfather. Indeed, the only recorded William McBair was probably Archibald's grand uncle, having been tenant of Conheathrig, and dead by 1549 (R.M.S. 1546-80, 556). Provost Archibald married Agnes Grierson prior to 1588, in which year they granted a reversion of an annual rent to William Lord Herries, to which document Archibald's seal is still attached (Maxwell Inventory, 267). His second son John obtained in 1592 a Royal feu of the 5 merkland of Conhaithrig,<sup>4</sup> bounded between Kelwode-Gledstanis on the east, Nethirwode on the south and west, and the Mains on the north, which was formerly part of the patrimony of the Archbishop of Glasgow (R.M.S. 1580-93, 2194). In 1594 the said John McBair was infest as heir to his immediate younger brother Thomas in an annual rent of £20 from the lands of Meikle Culmen in the half barony of Urr (Maxwell Inventory, 300), Thomas having witnessed a declaration of summons in 1581 and been implicated in Morton's rebellion in 1585 (S.A.P. iii. 205, 395). Provost Archibald, their father, came to a violent end. On 1 April, 1587, on the evening before the King entered Dumfries, the provost slew Archibald Newall, a burgess. The murder was of a peculiarly atrocious type, Newall being "single allane and without any kynd of armour." The widow, Eister Hill, clamoured for Justice; the moment and place chosen was an insult to the Royal person (R.P.C. iv. 172). The provost seems to have fled the burgh, but he was arrested, tried, and beheaded in the following January at the Market Cross of Edinburgh (Stoddart).

This virtually terminated the family monopoly of the provostship, though Robert McBair, son and heir of Archibald, was provost at a later date. But in 1590 he was still a minor (R.P.C. iv.

4. This was not the only ecclesiastical land of Conhaithrig held by the McBairs, for on 10 Dec., 1591-2, Robert of Almagill had sasine in 11½ bovates of land (or the 37/2d. land) in Conhaithrig, and also 4 of the bovates of Conhaithrig lands formerly held of the Archbishop. The lands had been in the hands of the King for 4 years (? since Archibald's execution), owing to non-recovery of sasine. (Ex. R. xxii. 540).

295). In 1595 he was at variance with Cuthbert Grierson of Hali-dayhill, concerning his tenants in Drumganie, both sides finding sureties (R.P.C. v. 253). In Dec. 1597, he has sasine of 52 acres of the lands of Spittalfields, formerly held in chief from the Friars Minors of Kirkcudbright (Ex. R. xxiii. 472. See also Moir Bryce.) He seems to have been provost in 1599, for in that November the electors were instructed to continue him in office, which charge they had "contemptandlie dissobayit" (R.P.C. vi. 39). In 1602 he was in trouble with Carruthers of Holmains, having ejected some of that family who were his tenants at Almagill (R.P.C. vi. 356). This seems to have been associated with the prolonged legal proceedings between the two families for those properties. On Feb. 1604, he was retoured heir to his great-great-grandfather Nicolas, in 14 acres of land in Little Dalton (Inquis. Spec.). He was tacksman of the teinds of Annan in 1611 (A.P.C. 860), and in 1613 was a J.P. (R.P.C. x. 73). The same year he had a grant of the £5 lands of Meikle Richerne, in the parish of Terreglis (R.M.S. 1609-1620, 843), though the disposition was under reversion (Herries Inventory, 382). In 1623 he was again a J.P. as "Robert McBlair of Halmegill" (R.P.C. xiii. 343). In 1626 he is mentioned in a report, that "as to the peroschoune of Drumffreis, thay ar for the moist parte burgessis and travellouris and uther honest men except Robert McBair of Amygill and Mathew Hairstaneis of the Cragis" (R.P.C. i., 2nd ser., 675). In 1630 Robert was suggested as Judge in a trial for illegal sheep-marking<sup>5</sup> (R.P.C. iv., 2nd ser., 17), and figured as a J.P. again in 1634 and 1636 (R.P.C. v., 2nd ser., 381). In Dec. 1635, in conjunction with his 3rd son David, he received a charter of the lands of Kenmure and others in Dalry (R.M.S. 1634-51, 442). Robert McBair, of Almagill, died on 28 Oct. 1639 (see his testament) being killed at Coventry whilst riding before Dame Elizabeth Beaumont, Countess of Nithsdale (Aitken MSS.). Of his three recorded sons, John the eldest had been appointed in 1624 to assist the Justiciary Courts (R.P.C. xiii. 482). He was a prominent Papist, and had been excommunicated in 1627. The lieges were warned not to reset him, and the following year he was again prosecuted (R.P.C. ii., 2nd ser., 203). As late as 1641 he was mentioned as a delinquent (R.P.C. vii., 2nd ser., 510). In Aug. 1643, he was heir to his immediate

5. This was probably in his capacity of Sheriff-deputy, which office he occupied as early as 1619, when he was in open conflict with the Provost and bailies about prison accommodation (R.P.C. xii. 100).

younger brother Robert (Inquis. Spec.). John McBrair, of Almagill, was dead by April, 1646, when his brother David was appointed tutor to his children (Inquis. de Tut.). In the retour he is described as "of Almagill" which has given rise to some confusion. Almagill and Netherwood never belonged to him, though Newark did. The designation "of Almagill" was either a courtesy during the minority of his nephew, or else an assertion of his claim to the estate under a forged disposition made two hours after the death of his brother John, who had never been infest in the properties (Aitken MSS.). In any case, as may be seen from the Barjarg MSS. and the Holmains Papers, the family scarcely had any hold on Almagill at the time. In Feb. 1648, David and his wife Sophia Crichton and Robert their son obtained a grant of the barony of Kirkpatrick Irongray and other lands resigned by Thomas Rome, which were incorporated into the free barony of Newark (R.M.S. 1634-51, 1915). In the event of the failure of heirs male, the barony was to revert to David's nephew Robert. But David was soon in difficulties owing to the civil war, and also owing to his having been a cautioner for the Earl of Annandale and Sir Robert Murray of Cockpool (Stoddart). In 1653 Newark and Kirkpatrick Irongray were appraised for 4,000 merks by Robert Graham, late bailie, and Jean Douglas his wife (R.M.S. 1652-59, 111), whilst the £20 lands of Cluden and Duncow went to John Crichton of Crawfordton (ibid. 536). David was commissioner of Estates for the Stewartry and Sheriff depute of Dumfries. In 1663 he was in arrears with his payment to the Exchequer (R.P.C., i., 3rd ser., 328), and in 1665 he had to relinquish office, having gone to Ireland (R.P.C. ii., 3rd ser., 58). At the British Museum are a letter from him to Charles I. on his marriage, and a deposition on billeting in 1663. He came to a tragic end, being mistaken and killed for a Covenanter in 1667 whilst in hiding from his creditors (D. & G. N. H. & A. Soc. 1911-12). The murderer was at once arrested and hung at Dumfries.<sup>6</sup> David's

6. Amongst the Town Charters is the following warrant:—"Dumfries, 31 May, 1667.—These requyareth you in his Majestie's name to have ane company of foot belonging to your town, armed the best way they can be boden, to be by 10 of the klok this date at your Counsel stair foot, to receave the person of Jon Gordoun, now in your gauld, and to guard him from thence, put to a tryall for the confessed murdering of David Mcbrair, and gif he sal be found guiltie and adjudged to die, let the said company attend the execution and do such dewtie as is usual for guardes to do in such caices. This ye sall not fail to do as ye will be ansuerable."—Annandail, Drumlanrigg (Aitken MSS.).

son, Robert McBair of Newark, was a cautioner in 1675 (R.P.C. iv., 3rd ser., 657), and with his cousin Robert of Netherwood figured in a bond in 1683 (Nithsdale Inventory, 67).

Robert McBair of Netherwood, the minor of 1646, was now the senior representative of the family. He died in Sept. 1655, (? 1657 Dumf. Tests), whilst still a minor, and was succeeded by his son Robert, a posthumous child (Aitken MSS.). The infant's mother, Marion Maxwell, had to take action against David of Newark over the forged disposition, and on 15 Feb. 1662, by decree of the Lords of Session, compelled David to remove furth from Netherwood, Rigside, Richerne, etc., save so much as would satisfy him in 600 merks yearly from Almagill and Halidayhill. Whereupon the widow and her relatives forcibly ejected David and his tenants from Almagill (R.P.C. i., 3rd ser., 239), and broke open Castledykes, where David dwelt, doing a lot of damage (*ibid.* 246). Two years later the pugnacious widow turned her attention to Netherwood, forcibly ejecting some subtenants holding from Sir Robert Murray of Glenmuir, who claimed possession by tack from the late Robert McBair. The widow then held the house of Netherwood with armed men, "as it were a garrison," and destroyed what she could, including eleven hives of bees (R.P.C. i., 3rd ser., 590). On 24 March, 1664, the widow's son Robert was served heir to his great-grandfather, Robert McBair, in Netherwood, Almagill, and the Stewartry properties (Inquis. Spec.), but not, of course, in Newark. He was delivered to John Maxwell of Barncleuch, the Town Clerk, for his education, on which 600 merks yearly was ordered to be spent (R.P.C. ii., 3rd ser., 569), which payment was reduced to 500 on appeal of his tutor dative Robert of Newark (R.P.C. iii., 3rd ser., 66).

**84.**—There were McBurnies in Dumfries from an early date, Cuthbert McBurnie being appointed Brigmaistre in 1520 (D. & G. N. H. & A. Soc. 1912-13). There was a Thomas McBurnie, a notary in Dumfries early in the 17th century, who was dead by 1624, when his son John figures as a witness (R.M.S. 1620-33, 556), being also a notary (R.M.S. 1634-51, 514). In 1640 another Thomas Mcburnie as a bailie witnessed an obligation (A.P.C. 879). He was bailie again in 1643, when he was given a commission to apprehend Papists (R.P.C. xxii. 82). In 1648 he was M.P. for Dumfries, being very

active on various committees, and again in 1649, when he was Provost. His duties in the latter capacity probably interfered with those of the former, for in 1649 and 1650 the roll records as representative for Dumfries "Thomas McBurnie or in his absence Robert Richardson," who, in fact, performed most of the Parliamentary duties (S.A.P. vi. Pt. ii. 125, *et passim*). As a prominent Cromwellian, Provost McBurnie took an active part in public affairs. In one of his letters, Gen. Monck narrates how the Provost in April, 1654, had had his house near Dumfries burnt by Kenmure's men. The Provost escaped in time to a small round tower, and with the aid of a fowling piece repelled the attack (Scots. Hist. Soc. xxxi. 94). On 6 Sept. of the same year he received with Murray of Broughton a commission from Monck to treat with Kenmure, the Royalist leader in the district (*ibid.* 176). The next year his election as commissioner to the Convention of Burghs was contested by John Corsane, and others on the ground, *inter alia*, that he and the Town Clerk had placed a false seal on the Commission (Rec. of Con. of Burghs iii. 404). In 1663 the Shire complained against him, as "lait Provost," and his sub-collectors of taxes for malversation (R.P.C. xxiii. 347). He was dead by March, 1666 (R.P.C. xxiv. 153). The Kirk Session records of Nov. 1704, give some information as to the McBurnie pew. Thomas was infeft in the pew in 1605, as son and heir of Mathew McBurnie, who erected it. On 7 June, 1670, John was infeft as son and heir of Thomas. This John was a notary, and married Janet Maxwell, whose children Thomas, John, and Bessie McBurnie were claimants to the pew. Evidence was called to prove that Provost Thomas had never been seen in the pew. The other claimants were the children of the deceased Robert McBurnie, son of Thomas (infeft in 1651)—(1) Thomas, who married in 1663 Isobel, daughter of Edward Edgar, bailie, and Agnes Carlisle, and had issue—Robert McBurnie, writer in Dumfries, who died unmarried in Feb. 1716; Agnes, married to James Greirson of Dalgonar, and two sons who died early; (2) a daughter married to Andro Hunter; (3) William, dead by 1704; (4) Marion; (5) George McBurnie, married to Euphamie Threipland, and banished to Zetland. (See also Wodrow's "History," Bk. iii., cap. ix.)

**85** —The case of Margaret Ramsay, spouse of Alexander Glen, indweller in Dumfries, had given the Town Council considerable



trouble and expense. On 9 August, 1706, she had been convicted and imprisoned for wilful fire raising. The Magistrates decreed her perpetual banishment, and had forwarded a petition to the Privy Council to that effect. There had been delay before the Privy Council, and on representations being made by the Town Council, the Lord Advocate had replied on 19 Feb. 1707, pleading indisposition and inability to walk—perhaps owing to gout. He reported that the prisoner had friends in Edinburgh who would oppose the decree of banishment, and urged the Town Council to endeavour to obtain the prisoner's consent to a voluntary banishment, finding caution for the due observation of the same. The Town Council therefore decided to keep her in prison for some time longer, and agreed, if necessary, to alimnt her family in their poverty, whilst she was there.

In the meantime negotiations were opened to obtain her consent to the banishment. The alimnt was doubtless held out as an inducement to her consent. It was sufficient for the purpose, for on 14 July, the Town Council received a petition from Glen and his wife narrating that William Alves, commissary of Dumfries, on their behalf had agreed with John Neilson writer, on behalf of the Town Council, that they would banish themselves from the stewartries of Annandale and Kirkcudbright, the sheriffdom of Dumfrireshire, and the five kirks of Eskdale, under pain of perpetual imprisonment, and a fine of 500 merks. The petition was embodied in a bond, and the Treasurer was authorised to pay the Glens 300 merks on the 1st October.

Crime at the commencement of the 18th century did not go altogether unrewarded.

**86.**—There were two burrow officers of this name, but Edgar clearly refers to the George McCron who was appointed along with Alexander Geddes to that office, on 29th April, 1735. The other George McCron had been burrow officer and town drummer prior to July, 1719, on the 2nd of which month he was summoned before the Council, charged with a breach of his trust in discovering the town's secrets, and also with being accessory, art or part, in raising a mob in the Burgh on the 8th of August previous. The mob had interfered with and prevented the magistrates and their officers performing their duties. McCron pleaded guilty, and was placed in

prison till he could find surety to leave the Town for ever. On 3 August, 1719, John Johnstone, indweller in the Burgh, was appointed his successor (See T.C.M. under dates).

McCron's penalty was more severe than that imposed on another burrow officer, George McAddam, who, on 22 Feb. 1748, was suspended by the Town Council; his offence being that whilst employed by the Excise Officers to look after some kegs of brandy at a public roup, he had stolen a cask of the liquor belonging to Leonard Fleming, and also others belonging to the Excise Officers.

**87.**—It was on 15 April, 1662, that the Council decided to give a Silver Bell to be run for. It is worth recording that Deacon Homer Anderson at once won it outright, by being successful with the same horse for the three years, 1662-3-4 (T.C.M. 3 May, 1665).

**88.**—The old race course was situated at the Stoup, in low-lying ground at a bend of the present Lochmaben road, west of Greenbrae. At a later date it was moved to the parish of Tinwald, one of the reasons being that the Town Council, being in financial difficulties, feued out the Stoup and the adjoining moss (T.C.M. 30 July, 1750).

Horse-racing does not seem to have been a national sport in Scotland. The authorities always looked on such meetings with suspicion. A gathering of mounted men was regarded *prima facie* as a preliminary to a disturbance of such precarious peace as the Law could maintain. Thus, on 26 March, 1611, the Privy Council proclaimed, under pain of rebellion, anyone who should attend a great horse race, which had been organised by Walter, Master of Buccleuch, and a brother of Sir Robert Gordon of Lochinvar. The ground given for the prohibition was the fear that the promoters had organised the meeting "in thair youthfull consait, with some hid and secreit purpoisis lurking in thair hairtis" (R.P.C. ix. 153).

Even prior to the Cromwellian domination, races were held in Dumfries. Thus, there is this item in the Treasurer's accounts for 1641: "Payit to George Cleghorne for ane silver cup of 54 unces—£183 scots. Mair for drinking silver and engraving ye horse on it, 18/s." (See also McDowall, 308).

But in some Burghs, of which Dumfries was one, it became the

custom, after the Restoration, for the Burgh Councils to offer prizes or pieces of plate for such races. At first it seems to have been the practice to confine the entries to burgesses or indwellers in the Burgh. (Roger's "Scotland, Social and Domestic," 198, quoting McDowall). But the entries were soon thrown open to all comers. Thus, on 28 March, 1664, the Council gave a silver cup of 40 ounces to be run for by the nobility and gentry of the county. Again, on 12 May, 1671, the same was given at the request of Sir Robert Dalzell, of Glenae (Aitken MSS.). On 30 August, 1736, the Town Council of Dumfries spent £20 on a piece of plate to be run for on the ordinary race ground of the Burgh in the following October, when the Hon. Company of Hunters in Scotland held their annual Meeting there (T.C.M. of date). The Meeting however did not come off till the 25 March, 1737. It was a fox hunting gathering, organised by Mr. Lockhart of Carnwath and other gentlemen.

James Mitchellson, jeweller of Edinburgh, made the plate. The entry money was a guinea per horse. The conditions laid down by the Town Council were that each sized horse was to carry ten stone English, each Galloway horse being allowed weight for inches. There was to be no crossing or justling—the best of three heats—and the Magistrates were to be the Judges (T.C.M. 7 March, 1737).

This is by no means the only record of such race meetings. In 1726 the Town Council gave a silver punch bowl costing £15 to be run for on 9 August, also made by "Capt." James Mitchellson (T.C.M. 28 July, 1726). In August, 1728, another punch bowl was given costing £20. In 1731 the Town gave a piece of plate costing £25 as well as a "contribution" plate of £12 (T.C.M. 23 August, 1731). On all these occasions the regulations had to be sanctioned by the Town Council.

By 1790 the Dumfries and Galloway Hunt had organised annual race meetings "having furnished us with races these two or three years past for a week or ten days in October" (Burnside MS.).

**89.**—The allusion must be to the large numbers of Dumfriesshire and Galloway lairds who rallied to Mary's cause when she escaped from Lochleven in 1568.

It can scarcely refer to Lord Maxwell's "Invasion" of Kirkcudbright and Dumfriesshire in April, 1587, two months after Mary's death.

**90.**—"The matter unfinished"—*i.e.* without accomplishing his object.

**91.**—"But the den is not cleaned out yet." This looks like a quotation but it cannot be traced.

**92.**—It is impossible in the compass of a short note, to give an adequate account of all the fires to which Dumfries has been subjected. In a town built almost entirely of wood, they must have been of frequent occurrence. A few recorded conflagrations may, however, be noted here. In Dec. 1345, Dumfries was burnt by the English (Scots Hist. Review, x. 86). In 1384 Scotland was invaded, according to the usual practice, on the East and West Marches simultaneously. The Earl of Northumberland, according to Froissart, penetrated to Edinburgh and burnt Haddington. The Earl of Nottingham laid waste the Town of Dumfries (Ex. R. iii. 117a et sequa). The Editor of the Exchequer Rolls suggests a later date, but Walsingham (Hist. Angliae, ed. 1574, p. 336) agrees with Froissart. Further corroboration is to be found in a Papal Petition of the following year (P.P. i. 567).

McDowall gives a picturesque account of the burning of Dumfries in 1415-16 (p. 140), quoting an even more picturesque and untrustworthy authority, Hume of Godscroft, who does not mention it. But Ridpath (1776 ed.) p. 384 mentions it, relying apparently on the *Liber Pluscardensis* ii. 264 (ed. 1880).

Edgar is wrong in stating that the Earl of Shrewsbury burnt Dumfries in 1449. He seems to have taken his information from Balfour's *Annals* i. 117, where this date and Earl are given. It was in June, 1448, that the Earls of Northumberland and Salisbury burnt Dunbar and Dumfries respectively (Tytler iii. 211, ed. 1845).

Burton does not mention the episode, but it is borne out by the Exchequer Rolls (vol. v. introduction lxxiii.). Sir William Fraser (Douglas Bk. i. 462), quoting the *Auchinleck Chronicle*, affirms that Dumfries was laid in ashes. Salisbury's success was not long lived, being amply avenged in Oct. by the Earl of Ormond on the banks of the Sark (Buchanan i. 207).

Dumfries was again in flames in 1482. The only evidence is a letter from George Caly, merchant of the Staple of Calais, to an English nobleman at Naples (Bain iv. p. 415).

"Plesythe yt yowre Lordshyp to undyrstond that the Dewke of Abany ys commyn ynto Ynglond, & he ys sworne to the Kyngis good grace, & the Kyng hasse sent hym ynto Scotlond with 60,000 men yn three battalles and many lordis of Ynglond with hym. Jhesu be hys godd spede with tham & mony. There hasse bene about 44 townis & velaygis brent in Scottlond & many Lordis takyn & slayne; Dounfryss ys brent . . . . ."

This document is dated 1482 and Bain suggests that it was written in the month of March. This appears to be the only mention of this burning of Dumfries though the Editor of the Exchequer Rolls states that the English ravaged the whole Borders (Ex. R. ix. introduction). The burning is however probably authentic, though it must have been in the nature of a raid and not effected by the main army, which was with Albany on the East Coast.

In 1504 an accidental fire in the Burgh must have caused extensive damage, for the Burgh obtained remission of £20 from the Exchequer in part recompense for damage sustained by the unexpected (repentinum) fire in that Burgh (Ex. R. xii. 273). Amongst the houses destroyed, was that of William Cunynghame who, in April, 1501, and perhaps in September, 1504, had entertained the King himself therein (L.H.T. ii. 104). The King graciously granted him that year £13 6s. 8d. from the fermes of Kirkcudbright to rebuild his house and renewed the grant in the following year (Ex. R. xii. 269 et sequa). The house had evidently not been finished by the time the King returned in 1505, for then he rested in "John Coupan's chamir." (L.H.T. iii. 154).

According to Burnside, quoting the Goldie MSS<sup>s</sup>, the Town was burnt by the English in 1536, in revenge for which Lord Maxwell with only twenty-four men burnt Penrith.

In Oct. 1542, a large part of the Burgh was again in flames at the hands of the raiders. Writing to the English Privy Council, Sir Thomas Wharton stated that on Oct. 4th his cousin Dacre, with Sandy Armstrong, Andro Bell, and one called "Will the Flagon," Scots and of the "brederyn of the Grames," together with thirty Englishmen and six boys, apparently at night, set fire to Dumfries "in a strete called Kirkstrete and in both sides of the strete, the

wynde standing well for that purpose. It is thoughte thei have burnt above three score houses and moche corne."

As the raiders were in a hurry, they broke open a house to obtain fire, with the result that there was an alarm and a fight in the street—"thei did strike downe five tall men and left five spears brokyn in theym" (Hamilton Papers i. p. 259).

Mr. A. F. Pollard in his notice of Wharton in the Dict. Nat. Bio. says that Dumfries was burnt again on 23 Nov. 1542. But this is impossible as it was the day before the Battle of Solway Moss.

McDowall (quoting Haynes' State Papers at Hatfield, 1740) gives some stirring details of an alleged burning by Wharton in 1544. But Haynes unfortunately, when referred to, says nothing about it. The episode is probably imaginative.

In 1547 the English again contemplated a raid, Wharton writing to the Protector on 16 Sept. that he hoped to burn Dumfries and Lochmaben (Thorpe, 66). By December the English had occupied Dumfries, Michael Wharton son of Lord Wharton being appointed Captain of the garrison with one hundred horse (Cal. S.P. add. 1547-65. p. 357).

Leaving Carlisle on 20th Feb. following, Lord Wharton was at Dumfries on the 24th and proclaimed there a thanksgiving for his late victory (Thorpe, 79). But he does not seem to have burnt the town (Bain and Boyd. i. 81).<sup>1</sup>

Mr. Barbour, following Moir Bryce and McDowall, states definitely that the English "devasted and burnt the Town of Dumfries" (D. & G. N. H. & A. S. 1910-11, p. 20). There does not appear to be any evidence to support this statement. Indeed a perusal of Lord Wharton's dispatches indicate the exact contrary. It is true that early in 1548 Wharton contemplated the destruction of the Friary and Lord Maxwell's castle, but there was no time to

1. From the Anderson M.S. in the Advocates' Library, we learn that the Warden, hearing that there were only "preestes and olde women" in the town, altered his course, and took and garrisoned the castle of Dumfries, "and therefore did spoyle and rife the towne and left nothing therein that thei could carry away, but raised no fyre at that tyme because thei minded to return schortlie." When the main English host had departed, the Master of Maxwell, with a "sow" (mechanical battering ram), "caused the Castell to render."

carry it out, as by March, 1548, Dumfries was free of the invaders. Before that the garrison had been reduced, though it is not quite clear to what extent; on the other hand fifteen *arquebusiers* had reinforced it (Cal. S.P. add. 1547-65, 364). On March 2nd John Maxwell and others entered the town and compelled the garrison to surrender; one hundred and seventy-seven men were taken prisoners, and three hundred and seventy-nine carriage horses captured by the Scots. The garrison must have been very luke warm, for Lord Wharton complained to the Lord Protector that "many of them are most simple creatures and not like men of war" (ibid. 364). On 25 June following the Provost and Council received a Remission for participating with the English against the Queen and Governor, and for delivering hostages (R.S.S. xxiii. 95).

In 1570 Sussex was at Dumfries, and though some houses seem to have been burnt, there was no general destruction, which was opposed to his policy (D. & G. N. H. & A. Soc. 1910-11, p. 217, where the whole episode is exhaustively dealt with).

About 1599 there was another severe fire in Dumfries, rendered all the worse by a simultaneous visitation of the Plague. In July the Burgh made supplication to the Convention of Royal Burghs—"craiffing support for relief of thair decayit burgh throw the lait pest and fyre."\* The following year at Kinghorn the matter came up for the Convention's consideration again, but was postponed. In June, 1601, the Convention decided that "in respect of the unusual decay and poverty of the haille burrowis of this realm, thai may nocht guidle support the saidis burgh at this tyme by a taxation, bot remittis thame to the charitabill supporte of all godlie personis in everie burgh, as God sall mowe thair hertis." The godly seem to have remained unmoved.

One of the sufferers of this Fire was James Broun, merchant burgess of Dumfries, who on 10 June, 1599, complained that William White of Winlockhead has robbed him of £400 ready cash at the lead mines which in conjunction with "the lait unhappie fyre" in the burgh whereby all his houses, biggings, goods, etc. were destroyed, had brought him to "grite miserie and povirtie" (R.P.C. vi. 16).

\* The earliest reference to the plague in the Burgh is in 1439. It began at Dumfries, and spread through Scotland. No one affected, recovered, the victims dying within 24 hours. (*Auchinleck Chronicle*, ed. 1819, p. 34).

The next conflagration is described by Edgar. It took place in 1612. Application was made to the Lords of Council for a Commission. Accordingly on 26 November, understanding that "some wicked and unhappie personis hes of lait sett fyre in some barnis within the Burgh of Dumfries," whereby many barns and kilns full of corn were destroyed, the Privy Council "being verie cairfull that this unhappie and wicked deid of so dangerous and pernicious a preparative salbe narrowlie searched out, examinat and tryed," granted to the Provost and bailies commission to apprehend and try the guilty if found, and to report to the Lords of Council who will give further orders thereanent (R.P.C. ix. 498). Edgar does not state whether Archibald Herries was guilty of the conflagration, or whether it was in reality an accident. The following memorandum relating to the Privy Council's proceedings from the Denmyln MSS. in the Advocates' Library (vol. v. 6) takes us a step further in the narrative—

"Sen the last adverteisment thair hes litle or no thing worthie of writting occurrit heir. . . . .

"Thair hes beene fyre raised three severall tymes within the burgh of Drumfreis whairwith the haill barnis of the towne being full of cornis ar brynt and distroyit. Thair is mony presumptionis aganis one Archibald Hereis sone to the goodeman of Terrauchtie in this mater and the magistrats of Drumfreis hes intentit actioun aganis him befor the Counsell for this same fact. He for cleiring him self of this cryme come to this burgh and gaif in a petitioun to the Counsell craving a suspensioun of the commissionis grantit to the toun of Drumfreis in this errand, and being attending his ansuer at the Counsell dure the Counsell in respect the cryme wes treasounable causit apprehend him and hes maid him fast in the tolbuthe of Edinburgh and hes writtin to the magistratis of Drumfreis to come heir and persew him."

Date, sometime in January, 1614.

Whether or not Archibald Herries gave himself up, he was in custody in Jan. 1613, and supplicating the Privy Council to be set at liberty (R.P.C. ix. 544), and on the 21st of that month Edward Maxwell of Hillis went surety that Herries would appear when called on (ibid. 538). He was therefore probably set at liberty.



No further action seems to have been taken against him, so he must have been given the benefit of the doubt. Archibald was a turbulent and lawless character which may have accounted for the suspicion. Shortly before the fire, he had attacked from behind John Abercrombie, servitor to the Earl of Orkney, in Dumfries, and seriously wounded him, though Abercrombie "had nevir sene him before that tyme, with whom he had nevir been in company and whom he then nathir knew nor yit had evin offendit in word deid or countenance."

For this dastardly deed Archibald was only denounced rebel for non-compearance (R.P.C. ix. 491).

The fire which took place on 16 Sept. 1742 (not as stated by Edgar in 1740-1) during Rood Fair was not extensive. The late Mr. Barbour has referred to it (D. & G. N. H. & A. Soc. 1908-9, p. 87), but his version of it differs in some details from the record of the affair. It took place between ten and eleven o'clock at night and was the sole subject of the Town Council meeting the next day. A precognition of what transpired was inserted in the Burgh Minute Book. William Dodd, merchant in Dumfries, deposed that William Chalmers, chapman from Aberdeenshire, was exposing some stockings for sale near his (Dodd's) shop, when a woman, "of middle size and swarthy complexion," slipped a pair of the stockings under her plaid. Dodd challenged her; the stockings were found on her; she was taken before Bailie Corbet who ordered her imprisonment in the pledge house. Thomas Edgar, late of Laghall, now indweller in Dumfries, and Andrew Robison, barber, corroborated. Wiliam Stewart, officer, deponed to the arrest. John Donaldson, jailor, deponed that she gave her name as Mary Macdonald (though she said it was Margaret to a fellow prisoner) and that she came from Glasgow. She was locked up in the 3rd storey of the pledge house where women were usually imprisoned.

As she was being locked up, she begged for a bit of candle to light her to bed. This the jailor gave her, locked up the prison and went home to bed. He was roused in the night and came and found the place in flames. Only a part of her body had not been consumed with fire. The fire does not seem to have spread.

The fire of May, 1702, was considerable. In the Burial Register of Dumfries is an entry—"James Rig merchant, burnt in his house

yesterday in the great Burning in the ffrier vennell, the trunk of his body being found was buried this day, 6 May, 1702." In July Dumfries petitioned the Convention of Burghs for help, stating that fifty families had been burnt out, and received the cold comfort of a recommendation to the liberality of other Burghs. But in August, 1703, the Convention voted £200 scots to these families, out of a fund of £300 sterling which they divided up for the relief of heavily burdened Burghs (Rec. of R. Con. B. iv. 353).

**93.**—There seem to have been two Lags Lodgeings in Dumfries. The original house was in Friar's Vennel, betwixt the lands of the late Herbert Birkmyre on the west, the tenement of the late Andrew Greirson on the east, and the high way of the Burgh on the north. On 24 April, 1679, Robert Greirson of Lag received sasine of this tenement as heir of the late William Grierson of Lag, his great grandfather (proavus) at the hand of William Ffingas, bailie. John Rome, sheriff (? depute) acted as attorney for Lag (Dumfries Reg. Sas. under date). The property consisted of an anterior house, a back house in ruinous condition, and the back garden of the same "at present possest by Lag and Robert Guthrie as if it were their own, bounded by the formerly ruinous tenement pertaining to William Irving, merchant, on the west, the tenement now pertaining to James Callan (a noted Covenanter) on the east, the said highway on the north, and the garden now possest by John Copland, lately bailie, and John Robsone burgess on the south."

How long Lag remained here is not known. But in 23 Jan. 1720, he obtained from Mathew Sharp, son of John Sharp of Hoddam, a tack for the former's life-time of the "haill and pairt of that fore-lodging lying in the west side of the Burgh pertaining to Mathew and presentlie possest by Stephen Mitchelson, merchant. The rent was £8 sterling, public burdens to be borne by Mathew Sharp (original in Lag Papers).

Lag's change of residence is doubtless connected with the fire which in 1702 destroyed the Friar's Vennel.

**94.**—There seems to be some confusion here in Edgar's mind. The bridge collapsed in the winter of 1619-20. The Ratification of

the five Articles did not take place till Saturday, 4th August, 1621. John Corsane was Provost, Commissioner to the Convention, and Parliamentary Representative at the time. He was present at and voted for the Ratification.

The natural phenomena alluded to by Edgar as having taken place, are amply attested by Spotiswood, Calderwood and others, who give extraordinary particulars. Both these writers, like Edgar, attach a supernatural significance to the storm which broke out at the very moment that the Grand Commissioner had risen to ratify the Acts by touching them with the sceptre. The day is still remembered in Presbyterian annals as the Black Saturday (see also R.P.C. xii. 559n).



## APPENDIX A.

### CHARTERS AND WRITS RELATING TO DUMFRIES.

No. 1.—R[anulfus]<sup>1</sup> filius Dunegal omnibus fidelibus sancte matris ecclesie filiis, salutem. Sciatis me dedisse Deo et pauperibus hospitalis Sancti Petri Eboraci partem terre de hereditate mea in Drumfres in perpetua elemosina, scilicet terram duorum boum liberam et quietam ab omni consuetudine et servicio. Habitatores etiam istius terre sub mea firma pace et protectione suscipio. Testibus hiis, Gilchristo filio Eruini<sup>2</sup> et Gileudbricht Brechnach, Gilcomgal MacGilblaan et Uduardo filio Vita et Waldevo filio Gilchristi et multis aliis apud Drumfres. Valete. (Charter Rolls, 35 Ed. I m. 8 and Cal. of Charter Rolls iii. p. 90-1).

No. 2.—Willelmus Dei gratia rex Scottorum omnibus probis hominibus totius terre sue cleris et laicis, salutem. Sciant presentes et posterius me dedisse et concessisse et hac mea carta confirmasse Deo et hospitali sancti Petri in Eboraco et fratribus ibidem Deo servientibus, duas carrucas terre et dimidiam in territorio de Dunfres et de Kulenhath tenendas sibi in liberam et perpetuam elemosinam cum communi pastura et cum omnibus libertatibus ad eandem terram juste pertinentibus et aisiamentis, ita libere quiete plenarie et honorifice sicut aliqua elemosina in regno meo liberius et quietius, plenius et honorificentius tenetur et possidetur. Concessi

1. Ranulf, son of Dunegal of Stranith, figures in several charters in the reigns of David I. and Malcolm IV.—1124-65. He was alive as late as 1165 (Scots Peerage vi. 287). Between these dates this charter must be placed. His son Thomas was sheriff of Dumfriesshire in 1237 (Reg. de Mailros, 187), and died in 1262, being the grandfather of Thomas Randolph, the famous Earl of Moray.

2. Perhaps we have in this witness the originator of the Irving Clan. Apart from tradition, Robert de Hirewine in 1226 is the first previously recorded. (Bk. of Irvings, p. 7).

etiam eis et precipio ut omnes homines sui super terram illam manentes quieti sint a theloneo et omni consuetudine per totam terram meam nisi fuerint aliqui eorum qui mercaturam exercuerint sicut mercatores. Testibus, Gocelino episcopo Glasguensi, Ricardo de Morvill constabulario, Roberto capellano, Roberto de Quinci, Hugone de Sigillo, et Ricardo de Prebenda clericis meis, Roberto de Brus, Alano filio Walteri, Rollando filio Uctredi, Waltero de Berkele camerario, Willelmo de Lindesie, apud Gretenho. [No date<sup>3</sup>]. (ibid p. 91).

[Charter by Alexander II. King of Scots granting to the same Hospital the same lands with same quittance of toll, pursuant to the above charter. Wit:—William de Bosch' chancellor, William Cumin Earl of Buchan, Robert de Ros, Eustace de Vesc', William de Vallon', Robert de Sancto Germano, M. Marescallus, Malc' pincerna, John de Haya, Robert de Sancto Claro, at Dernington. No date.].

No. 3.—Domino suo et patri Christiano Galwalansi episcopo, abbatibus, prioribus et omnibus probis hominibus suis clericis ac laicis tam presentibus quam futuris totius terre sue, Hucdredus filius Fergus, salutem et Dei benedictionem. Sciatis me et heredem meum concessisse et dedisse Deo et Sancto Leonardo et fratribus hospitalis beati Petri de Eboraco unam carucatam terre et unum toftum in Crevequer (Treuequer) in liberam elemosinam ad tenendam de me hereditarie et de herede meo liberam et quietam ab omni seculari consuetudine et servicio, sicut fratres ejusdem hospitalis de Eboraco aliquam elemosinam melius et liberius et honorabilius tenent. Sciendum est vero hanc donationem factam esse pro anima David regis Scocie et pro anima Fergus patris mei et matris mee et pro animabus omnium antecessorum meorum. Quare volo et firmiter precipio ut predictam carucatam terre et toftum habeant et bene et in pace possideantur cum omnibus libertatibus et consuetudinibus et liberis juribus in bosco in plano in pratis in aquis in pascuis in molendinis, in omnibus rebus et locis, et concedo eis illuc plenarie communem pasturam; super hoc omnibus hominibus et amicis meis significo humiliter exorando quatinus pro Dei amore et animabus

3. Jocelin was elected Bishop on 23 May, 1174, and died 17 March, 1199 (Dowden). Richard de Moreville succeeded his father as Constable in 1162, and died 1189 (Dict. Nat. Bio.). This charter must therefore be dated 1174-89.

omnium antecessorum vestrorum et prece mea predictos fratres hospitalis Sancti Petri de Eboraco eorumque possessiones adjuvetis et manuteneatis et in illis quibus eis necesse fuerit auxilium et consilium prebeatis. Valet. Hujus donationis hii sunt testes—Christianus Galwalensis episcopus, Everardus abbas de Holmcultram, Robertus prior ejusdem loci, Willelmus celerarius, Robertus archidiaconus de Carliolo, Robertus archidiaconus de Galwathia, Hubertus de Vallibus, Robertus filius Trute vicecomes, et Ricardus frater ejus, Lohlan filius Huddredi, Petrus del Teillol, Ricardus de Chenai, Ricardus de Heriz, Robertus clericus de Eboraco, Radulfus filius Ricardi, Willelmus de Lacressuner, Hudardus de Hodelma, Gilla Chad, Gilla Mor, Radulfus clericus de Card', Ricardus de Eboraco, Simon frater Radulfi clerici, Willelmus de Bristou, Robertus Dunbredan. [No date.<sup>4</sup>] (ibid p. 91-2).

[Charter by Alan son of Rolland constable of Scotland confirming the above charter of his grandfather Huchtred. Wit:—Dom Walter bishop of Candida Casa, Dom Galfridus abbot of Dundranin, Dom Elias abbot of Tungeland, Dom John the archdeacon, Dom Durandus the Official, Dom Mathew the Dean, Mag. Adam de Thornet', Thomas de Cancia, Thomas parson of Crevequer,<sup>5</sup> Richard parson of Culewen, Martin parson of Kirkecuthbrich, Mag. Gervasius de Sumervile, Mag. Thomas and others. [No date]. (ibid p. 92).

[Charter by William King of Scots confirming Huchtred's charter and also an annual rent from Leggarswde. Wit:—Nic' cancellarius, Mathew archdeacon of St. Andrew's, Richard the chaplain, Richard de Morvill constable, David Olifard, William de Haia pincerna. Att Clacman'. No date]. (Charter Rolls 35, Ed. I. m. 8 and Cal. of Charter Rolls iii. p. 92).<sup>5a</sup>

4. Christian was elected Bishop on 19 Dec., 1154, and died in 1186 (Dowden). Hubert de Vallibus was granted the Barony of Gillesland in 1157, and died 1164. (Reg. de Wetheral, p. 65). Robert son of Trute was sheriff 1158-74 (ibid. 146n). This charter must, therefore, be dated 1158-64.

5. There is a little known barony of Crevequer in Lincolnshire, of which Redbourne was the Caput; and also a Kentish barony of that name. (Eng. Hist. Rev. Jan. 1914, 6. 156). But there can be no doubt that this is the Scottish parish of Troqueer.

5a. All the above writs are taken from a confirmation of them on 1 April, 1307, by King Edward I.

No. 4.—Sciant omnes tam presentes quam futuri quod ego Rogerus Grindegret de Domfres dedi et concessi et presenti carta mea confirmavi Deo et beate Marie et monachis de Holm unum toftum in Dunfres illud scilicet quod jacet inter terram Nicholai carnificis ex una parte et terram Henrici Loker ex alia, quam scilicet terram dictus Henricus Loker eisdem monachis de Holm dedit et carta sua confirmavit. Tenendum et habendum Deo et beate Marie et eisdem monachis in puram et perpetuam elemosinam libere quiete plenarie et integre ab omni servicio exactione et demanda adeo libere quiete plenarie integre sicut ego Rogerus illud predictum toftum tenui: salvo servicio domini regis quantum ad illud toftum pertinet. Ut autem hec mea donacio rata inperpetuum et inconcussa permaneat etc.<sup>6</sup> (MS. Reg. de Holm Cultram).

No. 5.—Universis Christi fidelibus presens scriptum visuris vel audituris. Robertus filius Willelmi de Moffat salutem in Domino sempiternam. Noveritis me pro salute anime mee etc. in liberam puram et perpetuam elemosinam illud toftum cum crofto sine ullo retinemento quod jacet inter toftum Hugonis filii Norman' ex parte australi [. . . .] in villa de Treuquer. Tenendum et habendum de me et heredibus meis et assignatis sibi et domui sue de Holmcultram in perpetuum, adeo libere quiete integre et pacifice sicut aliqua elemosina melius aut liberius dari potest vel concedi et sicut Walterus de Burgo illud toftum cum crofto eisdem monachis in elemosinam contulit, cum omnibus libertatibus et liberis consuetudinibus et aisiamentis ad toftum illud qualitercunque pertinentibus et cum omnibus que mihi jure hereditario aut aliquo alio modo descendere poterunt vel accrescere et in omnibus aliis rebus prefato tofto et crofto pertinentibus sine ullo retinemento ita quod nec ego Robertus nec heredes mei seu assignati in eisdem tofto et crofto aliquod jus vel clameum de cetero aliquo modo exigere poterimus vel vendicare. Et ego et heredes mei etc. warrantizabimus etc. (MS. Reg. de Holmcultram).

No. 6.—Sciant presentes et futuri quod ego Ricardus filius Lestelini caritatis intuitu dedi concessi et tradidi Deo et sancte

6. The date of this and the following 4 grants to Holm Cultram cannot be definitely assigned, as the names of the witnesses have not been preserved in the Register. They are all probably shortly before 1280.



Marie et monachis de Holm in perpetuam et puram elemosinam toftum meum integrum in occidentali parte ville de Domfres quod jacet inter terram de Roberti filii Avelini et terram Radulphi cognati Willelmi filii Petri et durat in longum ad mensuram aliorum toftorum integrorum circumiacencium. Hunc vero toftum dedi et concessi et hac presenti carta mea confirmavi Deo et predictis monachis de Holm tenendum et habendum in perpetuum liberum et quietum ab omni servicio consuetudine exaccione et demanda pro me et heredibus meis etc. Et ego et heredes mei warrantizamus etc. (MS. Reg. de Holmcultram).

No. 7.—Sciunt omnes presentes et futuri quod ego Ricardus filius Lestelini quietum clamavi et resignavi monachis de Holm totum jus habendi et possidendi quod habui in tofto mihi concesso ab eisdem monachis in terra mea in villa in Domfres quem toftum dicti monachi habuerunt et habent ex donacione Willelmi filii Petri burg[ensis] de Domfres. Ego quidem ipsum toftum cum edificiis in eo contentis tradidi et quietum clamavi prefatis monachis in perpetuum ut habeant et teneant et utantur illo tofto libere et quiete ab omni vexacione pro me et heredibus meis etc. (MS. Reg. de Holmcultram).

No. 8.—Sciunt presentes et futuri quod ego Michelis filius Mathei dedi concessi et quietum clamavi ac presenti scripto confirmavi Deo et beate Marie et monachis de Holm in liberam puram et perpetuam (elemosinam) pro salute anime mee etc. illum toftum cum omnibus pertinenciis suis in villa de Domfres quod Henricus le lokesmyth quondam tenuit de patre meo et de me ad firmam. Tenendum et habendum dictum croftum predictis monachis de Holm cum omnibus divisis et pertinenciis cum quibus dictus Henricus illud tenere consuevit ita liberum quietum et solutum ab omni servicio consuetudine, secta placiti, exaccione et demanda sicut aliqua elemosina potest teneri liberius quocius plenius et melius, preter duos denarios et obolum quos dicti monachi vel eorum actornati solvent annuatim domino regi pro husgavel. Et sciendum quod ego Michel et heredes mei tam illam particulam prefati tofti quam R . . . . le Fleming tenuit de me ad firmam quam totum residuum toftum cum pertinenciis etc. warrantizabimus etc. (MS. Reg. de Holmcultram).

No. 9.—Omnibus Christi fidelibus ad quos presens scriptum pervenerit Willielmus Grindegreth de Dumfres salutem in Domino. Noverit universitas vestra me pro salute anime mee, Alicie sponse mee, patris et matris mee et omnium antecessorum et successorum meorum concessisse, dedisse et hac presenti carta mea confirmasse Deo et Ecclesie beate Marie Magdalene de Lanercost et canonicis regularibus ibidem Deo servientibus in puram liberam et perpetuam elemosinam, unam petram cere seu quatuor solidos argenti de domibus meis inter domos Johannis Grindegret fratris mei in villa de Dumfries ex una parte et domum Michaelis Geargun (ipsum per uxorem suam contigentem) ex altera existentibus ad festum Sanctae Marie Magdalene annuatim in perpetuum percipiendam. Quare velo et pro me et heredibus meis sive assignatis concedo quod dicti Prior et canonici dictam petram cere seu quatuor solidos annuatim redditos habeant et possideant de domibus meis supradictis ita libere et quiete sicut aliqua elemosina infra villam Burgi alicui domui religiose liberius vel quietius possit conferri. Et si contingat quod dictus redditus termino prenominato secundum quod suprascriptum est plenarie non solvatur volo et pro me et heredibus meis sive assignatis concedo quod dicti Prior et canonici pro libito sue voluntatis possint in dictis domibus pro dicto redditu per quamcumque voluerint distributionem distringere et distributiones retinere quousque eisdem tam de redditu annuo antedicto quam de expensis si quas fecerint pro defectu solutionis ejusdem plenarie fuerit satisfactum sine aliqua contradictione vel reclamacione mei nec heredum meorum sive assignatorum. Ut hec mea donatio et concessio stabilis et firma permaneat et robur perpetue firmitatis optineat, hanc cartam sigillo meo signatam coram viris fide dignis concensu et assensu Alicie sponse mee eisdem tradidi, obligando me et heredes meos assignatos seu quoscumque dictas domus post me tenere vel habere contigerit ad omnia supradicta inviolabiter et fideliter in perpetuum tenenda. Testibus dominis David de Thorthorald, Roberto de Chartres militibus, Eo (or Lo) filio Hawyn, J. Grindegret, Hutredo de Toreglio (? Tereglis), Roberto Luggespick burgensibus de Dumfres, Stephano de Lochmaban, Roberto de Westmerland de Lanercost, Roberto de Cambok et aliis.<sup>7</sup> (MS. Register of Lanercost ix. 13).

7. The date of this grant must be about 1290. David de Torthorwald was dead by 1296.

No. 9a.—31. July. 1300. Indenture relating to the munitioning of the Castle of Dumfries.

Memorandum quod ultimo die Julii anno Regis Edwardi vicesimo octavo Radulfus de Manton' coffrarius garderobe eiusdem Regis liberavit domino Arnaldo Guilli de Pugeys constabulario castri de Dumfries pro munitione eiusdem castri apud Dumfries per visum et testimonium dominorum Johannis de Bar & Johannis de Bittecourte victualia subscripta, videlicet, de victualibus remanentibus & tunc inventis in eodem castro de tempore domini Johannis de la Dolme nuper constabularii eiusdem castri, xii solidos vi<sup>d</sup> panis, ij dolia floris, i dolium dimidium vini, ij bussella salis, mmix<sup>c</sup>xl allecia, vii<sup>xx</sup>x duros pisces qui dicuntur Hakes, iiij<sup>or</sup> pecias feni & vi petras cepi; Et de emptione ~~jacta~~ per Ricardum de Wintonia clericum coquine Regis xx carc' boum et ex missione magistri Ricardi de Abyndon' de stauero Regis apud Karleolum & Skinbornesse, v quartaria brasei molitti (sic), ij quartaria fabarum, vi quartaria avene, ij quartaria salis, xxx bacones, mmix<sup>c</sup> allecia, cc duri pisces; Item liberavit eidem in denariis puris ad pullulos piscem recentem ova & alia minuta necessaria emenda, x lib'.\*

[Original in British Museum Charters. Add. 19300.]

No. 9b.—28. August. 1300. Indenture relating to the munitioning of the Castle of Dumfries.

Memorandum quod xxviii<sup>o</sup> die augusti anno regni domini Regis Edwardi vicesimo octavo Johannes de Drokenesford custos garderobe eiusdem Regis liberavit domino Arnaldo Guilli de Pogeys constabulario castri de Donfries pro munitione eiusdem castri apud Donfries per dominum Johannem de Merk victualia subscripta, videlicet, x dolia floris, quinque dolia vini, xxx carc' boum, iiij<sup>xx</sup> carc' multonum,† vi cervos, m allecia, xxii salmones, de quibus Petrus de Cicestria & Ricardus de Wintonia receptores victualium Regis venientium ad exercitum Regis in Scotia habebunt allocationem in compotis suis de eisdem.

[Original in British Museum Charters, Add. 19301].

\* *Allecia*, herrings. *Pecias feni*, 'pieces' of hay, a somewhat indefinite measure, see *New Eng. Dict.* *Petras cepi*, stones of tallow. *Brasei molitti* [*sic* for *moliti*], ground malt.

† *Multonum*, of sheep (mutton).

No. 10.—9 Jan. 1431-2. Papal Relaxation to all who visit and give alms towards the building of the Bridge over the Nith near Dumfries.

Eugenius etc. universis Christifidelibus presentes litteras inspecturis salutem etc. Dum preexcelsa meritorum insignia etc. Cum itaque sicut accepimus ad perfeccionem cujusdam pontis super flumen de Nyth prope burgum de Drumfes Glasguensis diocesis per dilectos filios burgenses et habitatores dicti burgi et alios illarum parcium incolas nuper in sui construccione et edificiis inchoati, necnon ad amplificacionem cujusdam capelle sub vocabulo beate Marie Virginis prope ipsum pontem fundate, propter hujusmodi operis sumptuositatem et ipsorum habitatorum pariter et incolarum paupertatem sine fidelium suffragiis deveniri non possit, sintque propterea ipsorum fidelium subvenciones plurimum oportune, Nos cupientes ut pons ipse ex cujus perfeccione ut eciam accepimus habitatores et incole predicti plurima suscipient commoda et ipsius fluminis vitabunt pericula, ad hujusmodi perfeccionem deducatur ipsaque capella ampliatur ac congruis honoribus frequentetur et ut Christifideles co libencius causa devocionis confluant ad eandem et ad fabricam pontis seu capelle hujusmodi manus promptius porrigant adjutrices quo ex hoc ibidem dono celestis gracie uberius conspexerint se refectos, de omnipotentis dei misericordia et beatorum Petri et Pauli Apostolorum ejus auctoritate confisi, omnibus vere penitentibus et confessis qui in Nativitatis Circumcisionis Epiphanie Resurreccionis Ascensionis et Corporis Domini Jesu Christi ac Penthecostes necnon in Nativitatis Annunciacionis Purificacionis Assumpcionis ejusdem beate Marie Virginis et Nativitatis beati Johannis Baptiste ac predictorum Petri et Pauli Apostolorum et ipsius capelle dedicacionis festivitatibus ac in celebritate omnium sanctorum, necnon per ipsarum Nativitatis Epiphanie Resurreccionis Ascensionis et Corporis Domini necnon Nativitatis et Assumpcionis beate Marie ac Nativitatis beati Johannis necnon Apostolorum Petri et Pauli predictorum festivitatum octavas, et per sex dies dictum festum Penthecostes immediate sequentes, dictam capellam devote visiterint annuatim et ad fabricam pontis seu capelle hujusmodi manus porrexerint adjutrices singulis videlicet festivitatum et celebritatis unum annum et quadraginta dies, octavarum vero et sex dierum predictorum diebus quibus eandem capellam visiterint et ad fabricam pontis seu capelle hujusmodi manus adjutrices porrexerint ut prefer-

tur centum dies de injunctis eis penitentiis misericorditer relaxamus, presentibus post viginti annos minime valituris. Volumus autem quod si alias capellam ipsam visitantibus vel ad fabricam pontis seu capelle hujusmodi manus porrigentibus adjunctrices aut inibi pias elemosinas erogantibus seu alias aliqua alia indulgentia imperpetuum vel ad certum tempus nondum elapsum duratura per nos concessa fuerit, presentes littere nullius existant roboris vel momenti. Datum Rome apud sanctum Petrum anno incarnationis dominice millesimo quadringentesimo tricesimo primo, quinto idus Januarii anno primo.

(Vatican Archives, Reg. Lat. 304 ff.305d.-306r., and Cal. of Papal Letters viii., p. 347).

No. 11.—22 June, 1444. Charter by Robert Mcbrayr son and heir of the late Herbert McBrayr burgess to Thomas McCrery of half a tenement in the burgh of Dumfries on the west part thereof, between the Venell which leads to the Water of Nyth on the south, and the other half of the tenement of the granter contiguous to the tenement of Finlay McGilhauch on the north. Reddendo to the granter one merk yearly, and to the King five silver pennies at the usual terms appointed within the Burgh. Wit:—Master Cuthbert McBrayr, Rector of Huton, Schir Thomas de Gilhagy, vicar of Trailflat, John McBrayr et multis aliis. (Liv. 309).

No. 12.—16 Jan. 1453.—Notarial Instrument narrating that Robert McBair, provost of the burgh of Dumfries, resigned in the hands of Andrew Nicolson, bailie of the said burgh, all right which he had or might have in the acres and crofts belonging to him within the territory of the said burgh, with pertinents, excepting his lands of Barcarland; and that thereafter at the command and request of the said Robert the said Andrew Nicolson gave sasine of the said acres and crofts to John Edyer, one of the bailies of the said burgh, in name and for behoof of the community of the said burgh, in terms of a Charter thereof granted to them by the said Robert, and for which the said community and their successors are bound to pay yearly to him and his heirs or assignees £5 Scots. The following witnesses were present: Alexander Martinson (?), William Broun, Adam Cordonar, Finlay McIlhauch, Gilbert Valcar, John Velch, John Durand, John . . . . Walter (?) Muirthuat, John McBrare, Thomas McGray, Robert Glover, Patrick Corsen, Herbert Newell,

. . . . . Lorane (?), Thomas Davison (?), John of . . . . . Herbert of . . . . . John of [Ruff?] burgesses of the said burgh of Dumfries. John McIlhauch, clerk of the diocese of Glasgow, is notary.<sup>8</sup>

(Orig. in Burgh Charter Chest).

No. 13.—22 Jan. 1453-4. Feu charter by John Edgar and Andrew Nicolson Bailies of Dumfries and the community thereof to Robert McBrar then Provost, of the lands of Uvir-Netherwod and Nether-Netherwod and the Langholm, with the pertinents thereof lying in the territory of the said Burgh, between the ford called Blackfurd on the north, and the Kelton spring on the south, the lands of Colihachrig and Kelton on the east, and the lands of the Laird of Betwixt-the-Waters on the west, between which runs the Water of Nyth—paying twice yearly 5/-s scots.

Wit:—Thomas Finlai, Dean of Guild, John Dougan, Walter Maurthuut, Thomas Walcar, Gilbert Walcar, Micael Goldsmyt, Finlai McIlhauch, Nicolas Haliday, and Robert de Hamilton burgesses, and John McIlhauch, notary public.

(Liv. 332).

No. 14.—24 July, 1461. Instrument of sasine at the hand of John Mcilhauch clerk of the diocese of Glasgow N.P. narrating that in his presence Andrew Nichollson burgess of Drumfreis lawful procurator of Dom. John McIlhauch, chaplain of the chaplainry of the late William Hawisson in the Burgh of Drumfreis, personally went to a tenement in the said burgh in which Thomas Broustar formerly dwelt, between the tenement of Alan Glouer and the tenement of Gilbert Mcilduf, and resigned the said tenement into the hands of the said notary bailie of the said burgh at that time, for the profit of the said chaplainry, and at the request of the said Andrew gave sasine therein to Dame Elesabeth wife of Thomas Ferguson of Cragdarrach, the said lady paying to the said chaplain and to his heirs and assignees who were chaplains for the time, the sum of 4/-s annual rent at two terms, viz. at the Feast of Pentecost

8. The Aitken MSS. mention that the original charter of the same date is in private hands. The witnesses were: Thomas Finlai, Dean of Guild, Andrew Nicolai (Nicolson), Thomas Edgar, baillies, Malcolm Macilhauch, Finlai Macilhauch, David Velch, Thomas Haliday, John Dougal, Walter Morgequhat, Gilbert Walcar, Adam Carruthers, and William Brown, burgesses.

and St. Martin's in winter. Done at the said tenement at about 4 p.m.

Wit:—John Velch, Robert Gibson, and Gilbert Mcilduf.

(original in possession of Thomas Yule, Esq., W.S.)

No. 15.—11 March, 1466-7. Instrument of resignation at the hand of John McIlhauch clerk and Thomas de Gilhagy presbyter both of the diocese of Glasgow N.Ps. setting forth the resignation of John Litstar indweller in the Bridgend near Drumfreis, into the hands of Vedast Grersone Lord of Lag, of the fee of a tenement lying in the said toun of Bridgend on the south side thereof, between the tenement of Patrick de Bondbi on the east, & the road leading to the kirk of Troquer on the west; also a croft on the south side of the said toun between the croft of Simon Donaldson burgess of Drumfres on the south, and the said tenement on the north the watir of Nith on the east and the said road on the west. Done in the chamber of Schir Thomas de Gilhagi vicar of Trailflat, N.P. in the said burgh.

Wit:—Schir Thomas de Gilhagi and Gilbert Grersone.

(Liv. 401).

No. 16.—26 July, 1477. Instrument of sasine at the hand of John Makhome clerk of the diocese of Glasgow, N.P. narrating that in his presence, Patrick Corsane, burgess of Dumfries, resigned into the hands of Gilbert Walcar bailie of the said burgh an annual rent of 24/-s. furth of his tenement in the said burgh, betwixt the tenement of Thomas Ameligane on the north, and the high street leading to the Stinkfurde on the west, in favour of Gilbert Grersone of Kirkbridryg. Sasine given to the said Gilbert. Done on the ground of the said tenement.

Wit:—Michael Birkmyr, John Mcilmeyne, Cuthbert Androsone, William Farkar, and Thomas Ameligane.

(Liv. 468).

No 17.—14 April, 1506. Instrument of Sasine at the hand of John Durand N.P. narrating that in the presence of a learned man William Cunyngham bailie at that time of the burgh of Dumfries, sitting in full court, compeared Isabella Lawdir spouse of David

Maxwell burgess, who in his absence and of her own free will resigned into the hands of the said bailie and alienated an annual rent of 6/8d. from a tenement in the burgh of Dumfries, between the tenement of the late Thomas McByrnyne on the north and the common way extending by lie Rattendraw on the south, to be paid by two equal portions at the Feast of Pentecost and St. Martin's in the winter, in favour of John McKynnell, to whom sasine is given in the lands of the said tenement.

Wit:—Cuthbert McQuhat, Thomas McMath, and Thomas Sprot.

(Original in Burgh Charter Chest).

No. 18.—15 April, 1506. Instrument of sasine at the hand of the same notary and with the same witnesses narrating that David Maxwell burgess compeared and resigned all right he had or might have had in the same annual rent, into the hands of the same bailie, who gave sasine to the same grantee.

(Original in Burgh Charter Chest).

No. 19.—15 Nov. 1506. Charter of Mortification by William Cunyngham, burgess of Dumfries, whereby for the honour of Almighty God, the most blessed Virgin Mary, his mother, and the holy blood of our Lord Jesus Christ, St. Michael, the archangel, patron of the parish church of Dumfries, and all saints in paradise, and for the salvation of the souls of James the Third by the grace of God, King of Scots, lately deceased, and of Margaret, his spouse, Queen of Scots, of most worthy memory, and for the prosperity and safety of the most excellent and serene prince, James the Fourth, present invincible King of Scots, and Margaret, Queen of Scotland, his most renowned consort, and all their ancestors and successors and for "my own soul and the soul of Catherine of Birkmyre, my spouse, and the souls of my father and mother and my heirs and offspring," and our predecessors and successors, and for the salvation of the souls of all others, "I have in any wise injured in this life and to whom in any way I am debtor"; as also for the souls of all the faithful departed, he gives, grants, and confirms to the said Almighty God, the blessed Virgin Mary and the Holy Blood of our



Lord Jesus Christ and all the saints in paradise and to the discreet man, Sir John Simpson, chaplain celebrating mass and divine services, and his successors so doing for ever at the altar of the Holy Blood of our Lord Jesus Christ founded by "me," and situated within the parish church of Dumfries in the aisle of the blessed Virgin Mary therein, an annual rent of 9 merks Scots to be uplifted from "my" tenement lying in the burgh of Dumfries in the Mydraw thereof between the tenement of the deceased David Makany's on the north and the large stone house commonly called the Newerk on the south, the public street on the west, and the shrubbery (*perissoun herbare*)<sup>9</sup> on the east; as also an annual rent of 20/- Scots to be uplifted from the tenement of a discreet man, Roger Anderson, burgess of Dumfries, on the east side of the said burgh between the land of John Heroun on the south, the tenement of the deceased Archibald Nelesone on the north towards the great stone house called Newerk on the east side thereof; also an annual rent of 12/- Scots to be uplifted from the tenement with pertinents of John Makcris-tyne, burgess of Dumfries, on the west side of the said burgh between the tenement of Archibald Welch on the south and the tenement of the late William Halliday on the north, the public street on the east and the highway leading from the gate of the Friars Minors to the Chapel of the Virgin Mary on the west belonging to "me" heritably; also an annual rent of 4/- Scots to be uplifted from "my" lands of Lordburn belonging heritably to "me," lying within the territory of the said burgh; as also an annual rent of 4/- Scots to be uplifted from "my" garden lying within the territory of the said burgh of Dumfries between the garden of the late Archibald Nelesone on the south and the garden of John Lorimer on the north and the lands of Lordburn on the east, upliftable by equal portions at the two usual terms of Whitsunday and Martinmas yearly, to be held of the granter and his heirs and assignees from the King and his successors, kings of Scotland, in pure and perpetual almsgift. He also wills and grants that the presentation and donation of this chaplainry shall belong to himself during his life and after his death to his heirs as often as it shall become vacant and if they neglect to fill

9. Literally, a "shrubbery in which grew deadly nightshade." Pliny likens *perisson* to *strychnus* (Forcellinus). It is, of course, possible that "*perissoun*" is a proper name—*Perissoun's shrubbery*. John *Perissoun* was bailie of Dumfries in Feb. 1382. (Ex. R. iii. 100).

such vacancy within fifteen days then the patronage shall devolve upon the provost, bailies and community of the burgh of Dumfries for the time. The said chaplain is to be bound to make continual residence within the burgh of Dumfries, so that he shall not absent himself from the said service for the space of fifteen consecutive days without the license of the patrons and he is taken bound for the performance of certain services, and to sprinkle holy water upon the grave of the granter. There is a clause of warrandice; dated at Dumfries 15th November 1506, witnesses, Sir Fergus Barbour, vicar of Trawere; Hugh Rig, William Maxwell, David Welch, John Lorymere, John Rig, Thomas Cunyngham, Thomas Stewart, son and heir of the deceased William Stewart, and Herbert Patrikson, burgess of Dumfries, and Thomas Makbraire, Gilbert Brek and John Turner, chaplains. From the Royal Confirmation at Edinburgh (no date given). (Reg. Mag. Sig. Lib. 14 No. 276. Printed in R.M.S. 1424-1513.)

No. 20.—9 Nov. 1508. Charter by Mr. Herbert Gledstanes, rector of the parish church of Dronnok in the diocese of Glasgow, whereby in honour of Omnipotent God [etc., as in No. 19] and for the salvation of "my soul and the souls of my father and mother, predecessors and successors and for the salvation of the souls of all those whom I have any wise injured in this life, and for whom I am in any wise responsible, likewise for the souls of all the faithful departed," he gives, grants and confirms hereby to the said Omnipotent God and the most glorious Virgin Mary, Saint Gregory and all the saints in paradise, and to a discreet man, Sir David Makgee, chaplain celebrating masses at the altar of St. Gregory founded by "me" within the parish church of Dumfries, and his successors who shall celebrate the same therein in time coming, an annual rent of 4 merks Scots to be uplifted from a tenement on the west side of the said burgh of Dumfries between the tenement of Thomas Welsch on the north and the tenement of the deceased Thomas Stewart on the south; which tenement belonged to Thomas Makquhirk, son of the deceased David Makquhirk, burgess of the said burgh, and is now in the hands of David Cunyngham, son of William Cunyngham; also an annual rent of 13/- Scots to be uplifted from the tenement of a discreet man, John Ramsay, burgess of Dumfries, on the west side of the said burgh between the tenement of Adam Wallace on the south and the tenement of John Newale on the north;

also my portion of a tenement which formerly belonged to Thomas Stewart, son and heir of the deceased William Stewart, burgess of Dumfries, with a front chamber and shop underneath the said chamber, together with the attic above the said chamber, and corresponding in size thereto; as also "my" stone house, with pertinents in the Chapelside of the said burgh of Dumfries, which formerly belonged to Thomas Stewart, son and heir of the deceased William Stewart, between the tenement of John Newale on the north and the tenement of John Lorimere on the south, to be held of the granter and his heirs and assignees from the king and his successors, kings of Scotland, in pure and perpetual alms. He wills and grants that the presentation of the chaplain shall belong to himself during his life, and after his death to his heirs, who shall be bound to present a chaplain within fifteen days after a vacancy occurs in which, if they are remiss or negligent, the presentation shall belong to the provost and community of the burgh of Dumfries, and the said chaplain shall be bound to make continual residence within the said burgh, and not absent himself for fifteen consecutive days without license from the patrons. There is a clause of warrandice. The Charter is dated at Dumfries 9th November, 1508, witnesses, Sir Fergus Barbour, vicar of Traqueir, Mr John Makhome, rector of Castillmylk, Sir Richard Maxwell, Thomas Makbrare, James Makbrare and John Turnom (?r), chaplains, William Cunyngham, John Newall, Cuthbert Makbyrn, and Herbert Paterson, burgesses of Dumfries. From the Royal Charter of Confirmation dated at Edinburgh 26th April, 1509. (Reg. Mag. Sig. Lib. 16, No. 35, and R.M.S. 1424-1513, 3335).

No. 21.—10 Oct. 1510. Charter by William Cunynghame, burgess of Dumfries, whereby in honour of Omnipotent God and the most glorious Virgin Mary [etc., as in No. 19] he gives, grants and confirms to the said Omnipotent God [etc. as in No. 19] in pure and perpetual alms, an annual rent of 4 merks to be uplifted from his tenement in the Mydraw of Dumfries, between the tenement of Nicholas Purdum on the north and the large stone house commonly called the New Werk on the south, the High Street on the west and the shrubbery (*perissoun herbare*) on the east; likewise an annual rent of 20/- Scots to be uplifted from the tenement of Roger Anderson in the said burgh between the tenement of the deceased Archibald Nelesone on the north and the tenement of the deceased

Finlay Walker on the south; likewise an annual rent of 12/- Scots to be uplifted from the tenement of John Makcristin in the Sowtergait of the said burgh, between the tenement of the deceased Archibald Welch on the south and the tenement of the deceased Nicholas Halliday on the north; also an annual rent of 10/- to be uplifted from the tenement of the deceased William Donaldson, lying at the head of the said burgh between the tenement of the deceased Cuthbert Maxwell on the west and the tenement of Patrick Scherp on the east; likewise an annual rent of 6/8d. to be uplifted from the tenement of Robert Speirman lying in the Lochmabanegait between the tenement of the deceased Herbert Makbrair on the east and the tenement of Herbert Fischere on the west; likewise an annual rent of 8/- to be uplifted from the tenement of Sir Finlay Makgilhauch, chaplain, between the tenement of John How on the south and the tenement of Sir Elisha Wilson, chaplain, on the north; also an annual rent of 4/- to be uplifted from a barn and garden belonging to the said Sir Finlay near the Mildam between the lands of the said Sir Elisha on the north and a garden of the deceased Robert Nelesone on the south; likewise an annual rent of 12/- to be uplifted from the tenement of John Steill lying between the Mildam on the north and the Clerkhill on the south; also an annual rent of 10/- to be uplifted from the tenement of the deceased Peter Sluman lying beside the Chapel of the Virgin Mary of the Willeis on the south thereof, between the tenement of Sir Donald Joffrasoun on the east and the Water of Nith on the west; likewise an annual rent of 6/8d. to be uplifted from an acre of land with pertinents commonly called the Crukit Akir lying at the south end of the said town between the road leading by the Pikit Corse on the east and the Water of Nith on the West; also an annual rent of 6/8d. to be uplifted from the tenement of John Heuchane; likewise an annual rent of 6/8d. to be uplifted from the tenement of Andrew Millare; also an annual rent of 6/8d. to be uplifted from a tenement or barn of Thomas Makhome; which three tenements are contiguous lying together in the Lochmabanegait on the north side thereof between the tenement of the deceased John Forrester on the west and the Yardheads road on the east; also an annual rent of 5/- to be uplifted from "my" garden lying in the Yardheads between the garden of John Lorymare on the north and the garden of the deceased Archibald Nelesone on the south; likewise an annual rent of 5/- to be uplifted from the half of the lands of Lordeburn; as also he

gives and grants an annual rent of 13/4d. to be uplifted from his own tenement aforesaid lying in the Mydraw for an anniversary to be celebrated yearly in the said parish church with twenty priests, placebo, dirge, and requiem mass on the day of his death for his soul and the soul of his spouse for which each of the said priests shall receive eight pence: TO BE HELD [etc. as in No. 19]. The charter is dated at Dumfries 10th October, 1510; witnesses, Sir John Walker, rector of Luse, David Welch, John Lorymere, George Amuligane, burgesses of Dumfries, Thomas Cunynghame and David Cunynghame, "my" sons, and Sir John Turner, notary public. From the Royal Charter of Confirmation dated at Edinburgh, 24th October, 1510. (Reg. Mag. Sig. Lib. 16, No. 69, and printed in R.M.S. 1424-1513, 3513).

No. 22.—Excerpt from Crown Charter of Confirmation, dated at Dumfries 6th November, 1529, of Charter of Mortification by John Logane, vicar of Kowen, to the parish church of Sanquhar, dated at Dumfries, 1st March, 1519.

" . . . . . Totas et integras terras meas et tenementa mea de lie Newtoun et subscripta cum pertinentiis jacentes in burgo de Drumfres in vico tendente a porta Fratrum Minorum ad pontem et aquam de Nyth ex parte australi ejusdem vici videlicet totas et integras terras meas et tenementa mea cum pertinentiis de lie Newtoun jacentes inter tenementum et terram Williemi Bryse ex parte orientali et tenementum et terram quondam Thome Scharproo ex parte occidentali, necnon totas et integras terras meas et tenementa mea de lie Newtoun cum pertinentiis jacentes inter dictam terram et tenementum prefati quondam Thome Scharproo ex parte orientali et terram et tenementum Stephani Philp ex occidentali parte, necnon totas et integras terras meas et tenementa mea de lie Newtoun cum pertinentiis jacentes inter dictam terram et tenementum ipsius Stephani Philp ex orientali parte et aquam de Nyth ex occidentali parte, ac etiam unum meum annuum redditum viginti solidorum usualis monete Scotie annuatim exeuntium et levandorum de totis et integris dictis terra et tenemento predicti Williemi Bryse jacentibus in lie Newtoun ex australi vici regii inter vicum extendentem a porta Fratrum Minorum sub ortis ad capellam beate Marie de Willeis et ad lie Mylburn ex parte orientali vocatum lie Galloway gait et terram et tenementum de lie Newtoun in quibus habitant Johannes Stodart ex occidentali parte et terram et orrea David

Cunynghame et quondam David Welche ab altera parte ad festa Penthecostes et Sancti Martini in hieme per equales portiones, necnon unum meum annum redditum viginti solidorum dicte monete annuatim exeuntium et levandorum ad predicta festa equaliter de dictis terra et tenemento ipsius quondam Thome Scharproo ante et retro cum pertinentiis jacentibus in lie Newtoun inter terram et domum quam Johannes Byrkmyre occupat in fabrica ex parte orientali et terram sive tenementum meum in quibus quondam David Welch tenuit fabricam ex parte occidentali, ac etiam unum annum redditum quatuordecim solidorum dicte monete annuatim exeuntium et levandorum ad predicta festa equaliter de totis et integris dictis terra et tenemento dicti Stephani Philp cum pertinentiis jacentibus in lie Newtoun inter terram meam et tenementum in quibus quondam Robertus Padzen habitabat ex parte orientali et terram meam et tenementum in quibus Johannes Amuligane de presenti habitat, jacentibus in lie Newtoun ex parte occidentali, necnon unum meum annum redditum quinque solidorum dicte monete annuatim exeuntium et levandorum ad prescripta festa equaliter de toto et integro dictis orreo et terra David Cunynghame antedicti ibidem in lie Newtoun marchian. cum tenemento dicti Willelmi Bryse. Ac etiam unum meum annum redditum quinque solidorum dicte monete annuatim exeuntium et levandorum ad prescripta festa equaliter de totis et integris terra et orreo Johannis Caruthers contigue coadjacentibus dicto orreo ipsius David Cunynghame in lie Newtoun hede et Galloway gait retro dictum tenementum prefati Willelmi Bryse. Que omnes et singule terre mee et tenementa mea de lie Newtoun cum pertinentiis, necnon terre tenementa et orrea cum pertinentiis in lie Newtoun de quibus predicti mei annui redditus debentur et levandi sunt annuatim coadjacent contigue in dicto burgo de Drumfres in dicto vico regio tendente a porta Fratrum Minorum ad aquam et pontem de Nyth vocat' lie Newtoun ex parte australi dicti vici regii et dictum vicum sub ortis vocat' lie Galloway (*sic*) ex parte orientali et aquam de Nyth ex parte occidentali et terras dicti quondam David Welch ab australia parte, necnon totum et integrum illud tenementum ante et retro cum pertinentiis jacens in dicto burgo in lie Freir Vennelhede ex parte boreali ejusdem inter tenementum et magnam domum lapideam Roberti Edgar ex parte orientali et aliud tenementum meum marchiando cum cimiterio dictorum Fratrum Minorum ex parte occidentali, ac etiam unum redditum viginti solidorum dicte monete annuatim exeuntium et

levandorum ad prescripta festa Penthecostes et Sancti Martini in hieme per equales portiones de toto et integro predicto tenemento meo jacente in lie Freir Vennel marchiando cum cimiterio dictorum Fratrum Minorum ex occidentali parte et dictum aliud meum tenementum contigue coadjacens in lie Freir Vennelheid ex parte orientali cum suis pertinentiis et utraque mea predicta tenementa extendunt ad vicum regium de lie Freir Vennell in fronte et in cauda ad terras predictorum Fratrum, necnon illam meam toftam et tres lie liegis terrarum mearum cum pertinentiis jacentes infra territorium ville de Sanquhare pro mansione dicti capellani et suorum successorum. Tenendas," etc.

[The rest of this grant, which consists of an annual rent of 4/-s to the chaplain of the chapel of William Hawissoun from the Newtoun property, and 5 merks to the Greyfriars from the Friars Vennel property, is given by Moir Bryce, ii. 103].

(Reg. Mag. Sig. Vol. 26, No. 34, printed in R.M.S. 1513-46, No. 862).

No. 23.—26 March, 1532. Instrument of sasine at the hand of Thomas Conneloun, N.P., and presbyter of the diocese of Glasgow, narrating that Herbert Cunynghame burgess of Drumfress nephew (nepos) and heir of the late William Cunynghame burgess of Drumfress proceeded to six roods of his lands called Cruikitaky lying in the territory of the burgh, between the common way coming from the chapel of St. Mary the Virgin of Casteldikis on the east and the common passage between (infra) the said lands and the water of Nytht on the west, and there resigned all his right and claim to the said six roods called the Hole akyr into the hands of a prudent man David Newale bailie of the said burgh in favour of Archibald Maxwell burgess of Dumfries son of Robert Maxwell, and his heirs; the said Archibald paying annually therefrom to the chaplain ministering at the altar of the Lords Blood in the parish church of Dumfries 7/- and 4d. annual rent at Whitsunday and Martimas. Done on the ground of the said lands at two o'clock afternoon.

Wit: John Carlile, Adam Stele, Cuthbert McMannande and Schir Elise Wilsone chaplain.

(Original in possession of George Neilson, Esq., LL.D.)

No. 24.—10 Oct. 1549. Instrument of resignation and sasine at the hand of Herbert Cunynghame, Notary Public, by James Gluuer, burgess of Dumfries as heir of his brother William, burgess of the said Burgh, into the hands of bailie David Cunynghame, of a tenement lying in the Milgait of Dumfreis between the tenement of the late Nicholas Makmannide on the north and the tenement of Kentigern Saidlar on the south, the common passage to the mill of the said Burgh on the east, and the common highway to the parish kirk on the west. Also, of a barn lying at the head of the yairds between the barn of James Scharpis on the south, the barn of Herbert Scott in the hands of Ninian Jarding on the north, the yaird of Patrick Edzar on the west, and the way extending from Lochmabengait to the Port at the head of the Toun on the east. Sasine given to the said James Gluuer and his spouse Mariot Blackstok. Done on the ground of the said tenement.

Witnesses—John Gluuer, William McCliente, and Martin Blackstok burgesses. (Liv. 1467.)

No. 25.—4 February, 1551. Registration of Contract dated at Edinburgh, 3rd February, 1551, narrating that Sir John Maxwell of Terregles, knight, when he was a clerk, had a pension of 400 merks from the fruits of the Abbey of Coldingham, with power to transfer the same, and that he did transfer it to Sir John Brise, vicar of Drumfries, who now seeks three years' pension from Lord John, commendator of Coldingham, and has raised action against him for the same. He refuses to pay and has appealed; yet to save labour and expense, it has been agreed between Mr. Thomas Barclay, parson of Navan, Mr. Hercules Barclay, parson of Cannisbe, and Mr. James McGill, burgess of Edinburgh, for the said Lord John, and the said Sir John Brise, vicar of Dumfries, and pensionary of Coldingham, that the said Sir John Brise shall renounce the said pension in favour of the said commendator, and give up to him also the bulls and processes obtained by the said Sir John Maxwell and appoint procurators to appear in the court of Rome to consent to the extinction of the said pension, and the said John Maxwell is also to renounce all right he has in the said pension except so much as Sir George Douglas is acted in the Official of Lothian's books to pay to him; and for this Sir John Brise is to be paid 1,400 merks by the said commendator and his factors, viz., 400 merks at the making



hereof and 1,000 before Lammas next. And because the said priory of Coldingham has been wasted by the wars for some years past and much of the place and kirk burned and destroyed, and that in a provincial council lately held at Edinburgh, the fourth part of the fruits of the said priory are assigned for the reparation of the same and the brethren are to be increased so that the said commendator is not in a condition to redeem the said pension, it is further agreed between Robert, Bishop of Orkney, and the said commendator, who has a yearly pension from the fruits of the Bishopric of Orkney of 800 merks, that the said Robert, Bishop of Orkney, shall pay to Sir John Brise the foresaid 1,400 merks, the details of which arrangement are given. The witnesses are Thomas Menzies of Pitfoddels, Mr. John Thornton, chantor of Moray, Mr. David Bonar, parson of Strabrok, William Gib, and Mr. James Skeyn, notary. And further the said Sir John Brise makes the foresaid Sir John Maxwell of Terregles, knight, his assignee to the said sum of 1,400 merks, and is content that the said Robert, Bishop of Orkney, shall pay the same to him; and the said Bishop has accordingly presently paid to the said Sir John Maxwell, 400 merks and obliges himself to pay the other 1,000 merks in due course, and also undertakes to relieve his cautioners. (Acts and Decrees, vol. 6, f., 119.)

No. 26.—6 Aug. 1554. Instrument of Resignation and sasine, at the hand of Herbert Cunyngham, notary public, whereby John McCowill, burgess of Dumfries, resigned into the hands of Amerus Maxwell baillie an annual rent of 14/- in favour of Martin Edzar burgess—which rent arose from a tenement of the late Christopher Howchane, now in the hands of William Kellok skinner burgess, lying in the street called Lochmabengait, between the lands of Herbert Ranyng on the east, the lands of John Lawson on the west, the common way leading out to the port of the said street on the north, and the way below the yairds (*sub ortis*) on the south. Done in the close of the said tenement.

Witnesses:—Heleus Crew (? Trew), schir John Sinclair, William Kelloch, and William Makculloch serjeand. (Liv. 1627).

No. 27.—29 June, 1561. The Rentall of the Annuell Rents of Howesoun rent with utheris renttis collectit and upliftit be Schir

Johne Sinclar, sumtyme ministrand of the service callit Sanct Niniane Service in the parroch kirk of Drumfres, gevin in befor the Counsal of the said burght be the said Schir Johne, penultimo Junii anno dom. 1561 and registrat (at the hand of Herbert Cunynghame N.P.).

Item. In the first, of ane land and ane tenement of the umquhile Thomas McHadis heretabilie perteinand to Petir Rig, lyand in the said burgh betwix ane land of John Wythman on the north part and ane land of Herbert Rayning on the south part, as it lies in lenth and breadth with the pertinentis; of yearly rent the soun of fourtie schillingis monie of Scotland at the feistis of Whitsonday and Martinmas in winter be equal portions.

Item. Of ane land and tenement in Lochmabengait sumtyme Christiane Hamyltounis, now heritably perteinand to....., liand betwix Symon Ramsays land on the west part, John Carrutheris on the eist part; of annualrent zeirly to be payit thair of at Martynmes and Witsonday the sum of 6/-8d.

Item. Of ane land and tenement of umquhile John Zous now in the handis of Thomas Paterson, lyand on the north syde of Lochmabengait betwixt the lands of Schir Patric Wallace on the west part and the lands of umquhile William Elwands on the west part and on the eist; of annual rent zeirly of the sum of 6/-8d. at the terms forement.

Item. Of a tenement and land of umquhile John Wrychtis, now heritably pertaining to Robert Davidson, liand in the Lochmabengait betwix William Lawsons land on the west and north parts, and Schir John Baties on the eist part, the streit on the south part; of the zeirly annualrent at the terms abovewritten the sum of 6/-8d.

Item of a barne in the Tounheid heritably pertaining to David Cunynghame, betwix ane barne of Amer Maxwell on the west part and ane utheir barne of Robert Mackynnell; of annualrent 6/-8d.

Item ane haill land, stane biggin and foir tenement in the handis of James Rig, betwix John Rawlings foirland and James Kelloks foreland on the north and south parts of the samyn; yearly annualrent at terms abovewritten, 5 merks monie.

Item of twa zerd liand on the west pairt of Russell Dub, betwix the landis of Thomas Makbrair on the south part and the

land of umquhile Herbert Gledstanis on the north part; of annual-rent zeirly of thai twa 2/-6d. zeirly.

Item of twa ruids of land liand on the south side of Sinclair Vennell and at the eist syde of the Liggzet Slappe, ane of thaim occupyit bie Johne Carrutheris and ane uther occupiet be Johne Corsane burgess of Drumfreis; of annualrent zeirly at twa usual termes in the zeir abovewritten twa schillings monie abovewritten.

Item. James Newals place, land and tenement, liand in Kirk-gait, betwixt the lands of ..... and the lands of ..... payand of annualrent zeirly 6/-8d.

Item of ane land and tenement of umquhile Schir Archibald Knychtis now occupied by Katherine Knycht on the eist part of the Chapel of the Willies; of annualrent zeirly at twa usual termis viz Whitsonday and Martymas 18 pennies monie abovewritten.

Item of ane land and tenement of umquhile Adro Newlandis now Mungo Newlandis, on the south part of ..... pertinand to the Hie Streit, of annualrent zeirly at twa usual termis in the zeir abovewritten 4/-s scots.

Item of ane land and tenement of the Kirkmasters ..... quhilkis he occupies himself, on the west part of John Vells, extendand betwix the Myllburn and the Queinis Streit; zeirlie of annual-rent 3/-s scots.

Item of ane kyll of umquhile Archibald Maxwell, on the eist syde of ..... with zairds and pertinents, payand zeirlie 12d.

Item ane land and tenement in the Mylhoill now in the handis of Arthur Morison and Will Kellok, 4/-s.

Item ane land and tenement on the Scheriff-greyme, now George Maxwellis and John Harstanis, 4/-s.

Item ane land and tenement of John Lorimars on the north part of Amer Maxwells; of annualrent 10/-s.; with the hail syde of Frier Vennell on the south part thair of; of annualrent zeirlie 4/-s.

Item ane barne of David Cunynghame on the north part of Amer Maxwells, 6/8d.; with Pate Edzer's place . . . on the south of Lare Fergussons zaird, of annualrent 2/-s.

Item of ane place of umquhile Schir William Scharpro next that samyn on the south part, 8/-s.

Item of ane land and tenement of umquhile Geo. Carrutheris now of John Newal in the Lochmabengait, 4/-s.

Item to sing in the queir to collect of the commonguds of the burgh, zeirlie 40 pence.

Of the rent of the Tolbooth, callit Howesoun rent, zeirlie 8/-s.

— : —

The annuell rentts sumtyme perteinand to the Maister of the Ruid Service in Drumfreis.

Item, of ane land and tenement of James Glover, 13/4d.

Item of ane land and tenement of Thomas Hairstanis in Lochmabengait, 6/8d.

Item of ane land and tenement of Walter Grey in Myllgait, 6/-s.

Item of ane lymehoill in Myllhoill . . . now William Kelloks, 12d.

Item of Michael Baties land and tenement quhilk lyes on the north part of John Cunynghames land, 14d.

Item of ane land and tenement on the north syde of John McClarnis in Myllgait, sett to John Greyrson, zeirlie 1/-s.

Ex deliberatione Magistri Villelmi Turnor olim ministran. dict. servi.

(Original in the Town Charters).

No. 28.—28 July, 1564. CHARTER by Mr. John Hepburne, parson of Dalry and canon of Glasgow, rector of Morbottle and archdeacon of Teviotdale, to Patrick Newall, burgess of Dumfries, in liferent, and James Newall, his son, and the lawful heirs male of his body, whom failing the heirs and assignees whomsoever of the said Patrick, of the Archdean's croft lying in the territory of the burgh of Dumfries and parish thereof; to be held in feufarm for payment of the annual duty of 4s. and also of 12d. in augmentation thereof with duplication of the duty at the entry of each heir. At Edinburgh, witnesses, Roger Gordoun in Haedland, Roger Dungalsoun, burgess of Edinburgh, Sir John Beir, prebendar of St. Giles Kirk of Edinburgh, and Sir Herbert Andersoun, vicar of Kilton, and notary.<sup>10</sup> (Abbrev. Cart. Feu. Ter. Ecc. ii. f. 241).

10. On 22 April, 1582, Patrick Newall arranged an escambion with Mr. Thomas Maxwell, of the Archdean's croft, for 6 ruids of vicarage lands then occupied by the said Patrick. The agreement was registered in the Commissary Court Books 13 Oct., 1583, and a charter followed, dated 7 Aug., 1584. (Reg. of Production of Charters of Kirklands.)

No. 29.—20 Dec. 1564. Transumpt made at the instance of John Maxwell of Conhaith, grandson (nevoy) and heir of the deceased Robert Maxwell of Conhaith, who produced an edict executed in the parish kirk of Dumfries for all concerned to see a transumpt made of a protocol by the deceased Sir John Turnour, notary, of instrument of sasine of the 100s. land of old extent in the territory of the burgh of Dumfries with the moitt of the same, pendicles and pertinents thereof, given by George Maxwell as bailie for Robert, Lord Maxwell, to the said deceased Robert Maxwell of Conhaith, dated last February, 1535. The protocol is in Latin, and bears that on last February, 1535, in presence of the said notary George Maxwell as bailie of Robert, Lord Maxwell, gave to Robert Maxwell of Conhaith sasine of all and sundry the 100s. lands of old extent, with the moit and its pendicles and pertinents within the territory of the burgh of Dumfries, in terms of the charter containing precept of sasine granted by the said Robert, Lord Maxwell, to the said Robert Maxwell of Conhaith. Done at the Moit about 1 p.m. or thereby; witnesses, James Maxwell, John Maxwell, David Cunningham, John Martyne, Adam Maxwell, Sir John Olyver and Sir Thomas Connelson, notaries and chaplains, and Sir Richard Maxwell, chaplain. The transumpt was made by David Makgee, clerk of the Commissariat of Dumfries, notary, in the Freir Kirk of Dumfries, about 10 a.m.; witnesses, John Maxwell of the Hills, Edward Maxwell of Drumcoltrane, Mr. William Turnour, Sir Herbert Makbrair, Sir Thomas Connelson, Sir James Gledstain, James Ryg. Archibald Heris, and John Baty. (Liv. 1972. No. 1973 is the same document in effect, but wholly in Latin.)

No. 30.—18 Feb. 1567. CHARTER by Sir Mark Carrutheris, chaplain of the chaplainry of St. Nicholace within the parish kirk of Dumfries, with consent of Archibald McBair, patron thereof, and his curators, John Maxwell of Cowhill ..... to John Edgar, burgess of Dumfries, and his heirs and assignees whatsoever, of the tenement of land called Newwerk within the liberty of Dumfries, having the king's common streets on all sides thereof, east, west, south, and north; to be held of Sir Mark and his successors in the said chaplainry for payment of £6:13:4 Scots, yearly, which is an augmentation of the old rental by one merk; and reserving to the said Sir Mark two chambers or two vaults lying on the foreside of the west port south of the said tenement beside the

cross of Dumfries which he occupies, with free entrance and exit for his lifetime. There is also a Precept of Sasine directed to Robert Greirsoun, brother german to the Laird of Lag, as bailie. At Dumfries; witnesses,—Sir Herbert McBrair, chaplain, William Edgar, Within the Waters, Herbert Cuningham, notary, and Sir John Lauder, prebendary of Lincluden, notary. Also Instrument of Sasine thereupon under the subscription of Sir John Lauder, notary, dated 23 February, 1567; witnesses, Sir Herbert McBrair, chaplain, William Edgar, Within the Waters, and Gilbert Bek. (Abbrev. Cart. feu. ter. ecc., vol. i. f. 309).

No. 31.—September, 1567. Letter of Reversion by William Cunyngham, Johnnsone, burgess of Dumfries, to James Rig, provost, and Thomas Makmynneis and Robert Makkynnell, bailies of Dumfries, who, with consent of the secret council of the said burgh and procurators of the whole community and commonwealth of the same, convened for the purpose in the tolbooth, had disposed to him an annualrent of £3 Scots upliftable from a fore booth under the tolbooth, belonging to John Gillespie, burgess of Dumfries, that on receiving payment from them in the parish church of Dumfries of the sum of £30 Scots, he will renounce the said annualrent, forty days' warning being given to him or his heirs. Dated at Dumfries; witnesses, William Paterson, Robert Velsche, David Raa, Nicholl Martin, Andrew Batie, Andrew McBrwin, Thomas Newall, John Kirkpatrick, John Marchell, and William Batie, co-burgesses of Dumfries. (Signed) "William Cunygham v<sup>t</sup>. may hand propar." Seal wanting.

(Original in Burgh Charter Chest.)

No. 32.—21st November, 1567. Letter of Reversion by Thomas Makmynnes, burgess of Dumfries, to James Rig, provost, and Robert Makkynnell, bailie of Dumfries, who with consent of the secret council of the said burgh and procurators of the whole community and commonwealth of the same, convened for the purpose in the tolbooth, had disposed to him an annualrent of £3 Scots upliftable from a fore booth under the tolbooth of Dumfries, belonging to John Makcubyng, burgess thereof, that on receiving payment from them of £30 Scots he will renounce and discharge the said annualrent, he or his heirs receiving forty days' warning thereof.

Dated at Dumfries; witnesses, William Paterson, Robert Velsche, Nicholl Martin, Andrew Batie, Andrew McBrwin, Thomas Newall, John Kirkpatrick, John Marchell, David Raa, and William Batie, co-burgesses of Dumfries. Signed by the aid of a notary, Herbert Cuningham. The seal of the said Thomas Makmynnes is affixed, somewhat broken. It bears on a shield a saltire with an arrow fessways.

(Original in Burgh Charter Chest).

No. 33.—11. Feb. 1569. Instrument of resignation and sasine whereby James Maxwell in Priestlands, grandfather (*sic*) and heir of late James Maxwell in Traqueir, resigned to Patrick Newall baillie of Dumfries, 2 yairds or lands lying at the head of the yairds in the said burgh,—betwixt the land of the late John Frude at one time in the hands of Cristina Nicolsone, sometime spouse of James Kellok and now of John Irving, on the south part, the land of Herbert Cunynghame on the north and south parts, the lands of Lordburne on the east, the way passing by the barns to the north gate of the burgh on the west, with an annualrent of 6/- scots furth thereof. Sasine given to Hugh Cunynghame and Jonet Maxwell, his spouse.

Witnesses: James Andersone and John Makcurre. (Liv. 2173.)

No. 34.—20. Oct. 1576. Registration of Bond of Interdiction by John Halyday, elder burges of Dumfries, whereby for certain causes and specially for certain sums of money paid to him and good deeds done to him by John Halyday, younger, his son, he obliges himself not to put away any of his houses, lands, annual rents or possessions, nor make dispositions of them without his consent, dated at Dumfries 14 Sept., 1576 witnesses, James Halyday, burges of Dumfries, John Maxwell in Cavenis, Archibald Newall and James Hairstains. (Register of Deeds, vol. 15).

No. 35.—20 June, 1579. Feu charter by Archibald Makbriar provost, Robert Makynnell and Herbert Skailis bailies, with the consent of the whole community of the burgh of Dumfries, in consideration of money paid to them and expended in building a prison for thieves and malefactors conform to the Act of the Privy

Council,—granting to James Browne and his heirs that northern shop or booth in the basement of the said prison beside the Newwork right under the inner condemned prison (betwixt the shops of John Neilsoun on the south, the Bakraw on the east and the High Street on the west). In feu for 40/- scots yearly, doubling the duty on the entry of heirs. Done in the Tolbooth. Witnesses,—Robert Raning, younger, John Merchell, younger, Mathew Dickson, Treasurer of the burgh, James Wallace, Andrew Cunynghame, William Irving, Thomas Baty, and the remanent persons of the Council of the said burgh.

Signed personally by the Provost and Master Richard Maxwell, notary public. (Liv. 2520).

No. 36.—28. Nov. 1579. Decreet at the instance of John Frude, advocate, son and heir of the deceased Thomas Frude, burgess of Dumfries, against Janet and Margaret Rawling and Robert Edgar, spouse to the said Janet, and Clement Edgar, spouse to the said Margaret, the said Janet and Margaret being daughters and heirs apparent of the deceased David Rawling, Agnes Raa, spouse to the said late Thomas Frude, Marion Cuninghame, spouse to the deceased John Ramsay, Alexander Ramsay, his son, Andrew Cunningham, burgess of Dumfries, John Thomesoun and all others having interest, narrating that on 29 April, 1545, the said deceased John Ramsay and Marion Cunningham, his spouse, resigned their foir and owir tenement and ane bouthe thereof beside the yet of the enteres of the said tenement, and the hall between the foirstane house and the hall where the said deceased John Ramsay then dwelt, in favour of the complainer's father and the said Agnes Raa, his mother, and their heirs; after which resignation George Maxwell, bailie of the said burgh, who received the same, gave sasine thereof as above, a protocol of which was taken by Sir Thomas Connelisoun, notary, of which the complainer must have a copy, and he therefore requires a transumpt from his book which the Lords ordain to be made to him. The Latin protocol is conform to what is above, and gives no further details. The witnesses were Halbert Cunningham, John Maxwell of Dundie, Halbert Walker, Robert Walker, James Kirkpatrick, and Archibald Welsche. (Register of Deeds, vol. 17).



No. 37.—16 June, 1582. ACTION at the instance of John Halyday, burgess of Dumfries, as patron, and John Halyday, writer burgess of Dumfries, his son, as chaplain of St. Andrew the Apostle in the kirk of Dumfries, against Andrew Cuninghame, Mungo Hochane, Andrew Hochane and others having interest in two tenements of land in the burgh of Dumfries, one on the south side and the other on the north side of Lochmabengait, which were granted to the said chaplainry by Sir David Wallace, chaplain. Sir Thomas Conelstoun, who was notary to the infestment thereon, is dead, and the pursuers require to have the Instrument of Sasine recorded in his protocol transumed. This protocol book the said Andrew Cunningham had, and has fraudfully put away. He is therefore summoned by the Lords of Session to produce the same. This he does by Mr. William Hart, his procurator, and the other parties called not compearing, the Lords ordain a transumpt to be made as desired. It is to the following effect. It is to be remembered that on 27 July, 1543, Amerus Maxwell, bailie of Dumfries, went to two tenements of the deceased John Wallace, lying in Lochmabengait, one on the west (*sic*) side, and the other on the north side thereof, and gave sasine of the said two tenements to William Wallace, chaplain, son and heir of the said deceased John Wallace; and that shortly thereafter the said William Wallace renounced his whole right in the said tenements in favour of Sir David Wallace, chaplain of St. Andrew the Apostle founded in the parish church of Dumfries, and his successors in the said chaplainry, but reserving the liferent thereof to himself, Sir Patrick Wallace, chaplain, his brother, and Mariota Forestar, their mother, whereupon the said bailie gave sasine of the said two tenements to the said Sir David Wallace and his successors; whereupon the said Sir David resigned an annual rent of 13/4d. from the tenement of William Blyth, another of 4s. from the tenement of the deceased John McMaster, and also one of 23s. from the tenement of John Ra, in favour of the said Sir William, and failing him the said Sir Patrick, to whom sasine was accordingly given: He also resigned an annual rent of 28s. from the tenement of William Thomson, and an annual rent of 13/4d. from the tenement of the deceased Adam Wallace in their favour, of which likewise sasine was duly given, but he reserved the liferent of the same. This was done about 2 p.m. at the said tenements; witnesses, John Baty, Thomas Corsane, and John Logan. (Reg. Deeds, vol. xx., part 2, f. 67.)

No. 38.—1 May. 1583. Instrument of sasine at the hand of Herbert Cunynghame, N.P., narating the resignation by Robert Newall, burgess of Dumfries, and Catherine Cunynghame his spouse, of a yaird or croft of land in the burgh on the east side of the burgh in the yairdheads—betwixt the yaird of James Frude and Agnes Ranyng on the north, the Lordburne on the east, the yaird of James Lindsay of Barclay on the south, and the passage betwixt the yairdheads and the barns of the said burgh, from the Lochmabengait to the east port of the burgh called the Tounheid-port, on the west—with a waste barn at the west end thereof, and an annual rent of 12 shillings therefrom, into the hands of Robert Makynnell, one of the baillies of the burgh, in favour of William Steill, burgess, and Jonet Maxwell his spouse. Witnesses: Andrew Cunynghame, William McKynnell, Thomas Johnnestoun, Herbert Cunynghame, Thomas Kyd, and John Skrimgeour, and Arthur Tod Sergeants. (Liv. 2661).

No. 39.—1 Dec. 1587.—Contract of marriage betwixt Robert Raa, son and heir of the late David Raa, burgess of Dumfries, with the consent of Helen Edgar his mother, on the one part,—and John Batie, burgess of Dumfries, Helen Kirkpatrick his spouse, and Thomas Batie, their eldest son, taking burden for Jonet Batie, their daughter, on the other part. Robert Raa obliges himself to marry Jonet Batie before Fastem's Even next, and endow her with body and goods as in duty became him. Tocher 515 merks scots in specified installments. John Batie and his spouse to sustain the future spouses at board for two years after marriage, whenever they be pleased to receive the same, and to set out Jonet honestly in clothes and otherwise according to her degree. In recompence whereof the said Robert Raa is to infest Jonet and her heirs in the south half of his tenement in Dumfries, and in his booth under the Tolbooth of the said burgh, and that in Jonet's pure virginity before the completion of the marriage. To be registered in the ~~Burgh Court of Commissary Books.~~

Witnessed:—Herbert Cunyngham saddler and Herbert Cunyngham, notary. (Liv. 2937).

No. 40.—9 April, 1588. Contract between Sir Robert Maxwell of Spotts, and John Lytill in Annan, sister's son of the late David

Rae, burgess of Dumfries, and heir to the said David, and to the late Robert Rae, his son, with consent of Helen Macartney and James Maxwell, her spouse, for their interest. The said Robert Rae having before his death given over his rights to the undermentioned land to Sir Robert Maxwell of Spotts, it was agreed that John Lytill should take up his title as heir to the said Robert and David Rae in the tenement of land back and fore, with the yaird and barn thereof in Dumfries, betwixt the tenement of Simon Johneston on the north, the tenement of John Johneston, called the ———, on the south, and the common streets of the burgh on the east and the west: As also an annualrent from the lands of Crustanis in the barony of Drumsleit; and when infeft the said John Lytill should resign them in favour of Sir Robert Maxwell without reversion. John Lytill also undertakes not to alienate them in the meantime. Sir Robert Maxwell to pay 240 merks scots within 40 days, and all John Lytill's expenses of service. Contract to be registered in the books of the Commissary Court.

Witnesses: Patrick Makclemen, brother of the laird of Gels-toun, John Maxwell son of the late John Maxwell in Logane, Edward Maxwell, brother of the laird of Munreith, Edward Henrisoun, Herbert Hendersoun, and John Corsane. (Liv. 2954).

No. 41.—30 Sept. 1592. James by the Grace of God, King of Scottis, to all and sundrie our liegis and subjects quaoom offeiris quhais knowlege thir sure letters sal cum, greeting. Wit Ye We, understanding that our burgh of Drumfreis hes bot ane fair yeirly within the freedom of the samin, *viz.* ane (?) day being the middis of harvist whairby the inhabitants of our said burgh and our liegis dwelland in the cuntrie about may nocht at that tyme, being occupeit in wyning and schering of thair cornes, be laiserit to sell or buy thair merchandice and wairis necessar for thaim and thairby they are gretumlie hurt and dampnefeit quhilk we are of deliberat mynd to repair to thair weil and comoditie. Thairfore and for the gude and trew and thankfull service done to us and our maist nobill predecessouris of worthie memorie by the Provost, baillies, counsall and comunitie of our said burgh of Drumfreis, and to gif thaim occasioun to continue thairin: To Have given and grantit and by this our letters gevis and grantis speciall license libertie and power to the Provost baillies counsall and comunitie present and to cum,

of oure said burgh, To have and hold yeirlie within the freedom of oure said burgh, twa frie fairis tweiss in the yeir (by and attour the fair fairsaid) *viz.* the ane of thame the first day of Februr callit Candlemas day, and the uthir the first day of July in summer, with full power and privilege to oure saidis Provost, baillies counsall and comunitie and thair successouris To hold mercattis at ather of the saidis fairis for the space of aucht dayis, intromet with, gaddir, uplift and apply the customes thairfor for intertenement of oure said burgh, and gif neid beis to poind and distrenzie, thairfor actis statutis and proclamationes for keiping of guide ordoure and rewle during the tyme of the saidis fairis to mak and conclude the samyn dew executioun, caus be put the unlawis and amerciamentis thairfor, to intromit with, uptake, use, and dispone thairupon at thair plesoure in all tymis cumming, with all and sundrie utheris comoditeis freedoms profeittis and richteous pertinentis quhatsumever perteing thairto, or that richteouslie may pertain thairto. Also freilie as ony frie fairis of quhatsumever uthir burgh within oure realme broikis and possessis bot ony revocatioun, obstacle, impediment or agane calling quhatsumever.

Given under oure Privy Seill at Haliueruidhous, the last day of November, the yeir of God 1592, and of oure reign the twentie sax yeir.

(Original in Burgh Charter Chest).

No. 42.—1 August, 1600. Instrument of sasine at the hands of Cuthbert Cunyngham N.P. and one of the clerks of the burgh court of Dumfries and Robert Cunyngham joint notaries, narrating that James Newall, one of the bailies of Dumfries, compeared before the said notaries, holding in his hands a charter granted by the provost and council of the burgh, *viz.*, by Lord William Hereis provost, Roger Kirkpatrick, John Corsane, and the said James Newall bailies, Adam Walker dean, Robert Richardson treasurer, Herbert Birkmyir custodian of the Brig, Cuthbert Cunyngham, David Walkar, and John Rig, "*procuratores pro republica*," Herbert Ranyng John Marschall, William Irving, Cuthbert Broun, Robert Edzar, Thomas Hanyng, Mathew Dickson, John Schortrig, James Coipland, Adam Corsane, William Schortrig, John Gibsone, Francis Irving, George Rig, John Mundell, John Neilsoun, deacon of the tailors, William Makwir deacon of the curriers, Andrew Hocham deacon of

the skinners, John Jonstoun counsellor for the smiths, and George Wellis deacon of the saddlers (*laniorum*) "*seu artium visitores*," counsellors of the said burgh, containing a precept of sasine under the common seal of the burgh, written by John Makghie, N.P., dated 30 July, 1600, and witnessed by John Maxwell messenger, William Williamson and Robert Cunyngham burgesses, John Newall, John Cunyngham and Malcolm Makynnell serjeants and the said John Makghie, and signed by Hereis and the said counsellors (ten of whom could not write) directed to the said bailies to give sasine to Herbert Cunyngham, notary burges and common clerk of the burgh and his heirs, etc., of all and hail those common lands of the burgh called "lie Barcarland myris," within the territory of the burgh, which lands are now occupied by John Corsane, James Rig, and other tenants as contained at more length in the said charter: And that the said James Newall gave sasine in feu perpetual to the said Herbert. Done on the grounds of the said lands at 10 o'clock a.m.

Wit:—Herbert Ranyng, John Merschell, George Rig, John Gibson, David Walker, burgesses and counsellors, Andrew Cunyngham, Robert Cunyngham, burgesses, Thomas Ranyng, John Ranyng son of the said Herbert, Robert Batie, Robert Cunyngham notary, and John Cunyngham serjeant.

(Original in the burgh charter chest.)

No. 43.—18 May, 1605. Instrument of resignation written by John McKinnell and attested by Robert Maxwell, N.P., and Mr. Herbert Gledstanes, N.P., narrating that Herbert Cunyngham, notar and burrow clerk of Drumfreis, appeared on the grounds of the Barcarland myres in presence of Roger Kirkpatrick, and Adam Corsane, bailies of the burgh for the time, and Francis Irving treasurer, in virtue of a contract and escambion between William Lord Hereis provost and the town council (as in no. 42) on the one part and the said Herbert, with consent of Andro Cunyngham his father and Agnes Cunyngham his mother on the other part, whereby the council disposed by way of escambion upon the reversion therein contained, to the said Herbert the aforesaid lands in return for the said Herberts 3 parts of his great tenement within the Midraw of the burgh with the little yard adjacent thereto marching betwixt the Kings street and the fleschestokis on the south and east parts, the 4th part of the said tenement on the west, and the lands of George

Rig and Alexander Ellame on the north, disponed by the said Herbert to the council by contract dated 30 July, 1600, and registered in the books of Council and Session on 28 Dec., 1601; and whereas the said bailies had paid to the said Herbert diverse greit sums of money, and had reinfest him in the 3 parts which he owned before the said escambion, therefore he resigns the said lands of Barcarlands myres thus lawfully redeemed from him and his heirs in favour of the said Provost and town council. Wit:—Thomas Ranyng, Herbert Dickson maltman, Thomas MakBurnie, and James Cunyng-ham brother of the said Herbert, all burgesses of Drumfreis.

(Original in the Town Charter chest.)

No. 44.—16 Sept. 1686. For the Provost and Baylies of the Burgh of Dumfreise or any of them to whom this shall be first addressed. To be communicat to the Toun Council thereof. In haste,

Affectionate friends.

Whereas his Sacred Majestie hes by royall letter, dated at the Court of Windsor the 12th day of September instant, signified that all elections in royall burrows be suspended untill his royall pleasure be known thereanent, you are therefore in pursuance thereof hereby expresslie prohibited and discharged, as you will answer at your perril, To elect any new Magistrats or Counsall within your Burgh for this year. And you and the present Counsall are by his Majesties authoritie hereby authorised to continue and exerce as Magistrats and Counsall untill his Majestie shall signifie his further pleasure.

Signed at command and in name of his Majesties Privy Counsall At Edinburgh 16th Sept., 1686.

your affectionat friend,

PERTH. CANCELL.

(Original in Burgh Charter Chest).

No. 45.—Edinburgh, 16 Dec. 1686. Forasmuch as the Kings most exellent Majestie by a letter direct under the Royal hand dated at Whitehall the 26th day of November last bypast, to the Privy Councill of this his ancient Kingdome, Resolved that the persons

underwritten should be nominat and appointed Magistrats and other Councillors for the Burgh of Dumfreise, as being such whom his Majestie judges most loyall and ready to promote his Royall Service and most forward to support the good and interest of the said Burgh. Therefore, the Lords of his Majesties Privy Councill in pursuance of his Majesties commands aforesaid Do hereby nominat and appoint John Maxwell of Barncleugh to be Provost of the said Burgh of Dumfreise, John Irving, son to the deceased John Irving lait Provost there, to be baillie in place of baillie Fingass deceased, John Rome present baillie, and John Irving, present baillie, to continue bailies; John Corsbie present Deacon of the Trades to be Conveiner, and the four new merchant councillors which are yearly elected with the Dean Treasurer and the rest of the Deacons of Trades, to be elected by the advice of the Magistrats aforesaid, All which persons are hereby authorised to continue in thair respective offices in the said Burgh and Liberties thereof untill Michallmasse nixt ensueing the date of these presents. And the saids Lords ordains the persons above named to meet at the Toun Councill House of the said Burgh of Dumfreise, upon the 11th day of January nixt, and there to enter to thair respective offices, according as is prescribed by his Majesties letter: And this present Act is extracted forth of the Records of the Privy Councill by me Sir William Patersone Knight, Clerk to his Majesties Privy Councill.

(Original in Burgh Charter Chest).

No. 46.—For the Provost Baylies and toun councill of the Burgh of Dumfries, who were in office the tyme of his Majesties nominating others to be Magistrats in that Burgh before Maxwell of Barncleugh's entrie to be Provost thereof. For His Majestie's Service. Haste.

*Edinburgh 22 Dec. 1688.*

GENTLEMEN,—

His Majesties Privy Councill understanding that in the late nomination of Magistrats and Councill for your Burgh, Papists have been employed in offices of power and trust among you, which may occasion fears and jealousies to the indangering of the peace and quiet thereof; And the Council being willing to remove any ground for such fears, have thought fit hereby to authorise the Magistrats and Toun Councill who were in before any such nomination and

were legally chosen by their predecessors, To meet and choise Magistrats and Council for this ensueing year, conform to the custom and constitution of your Burgh. For doing whereof, this shall be to you and all who may be herein concerned, a sufficient warrant.

This in name and by warrant of his Majesties Privy Council, as signified to you by

your assured friend,

ATHOLL.

(Original in Burgh Charter Chest).

No. 47.—To the Magistrates and Town Council of Dumfries.

*Edinburgh 24 Dec. 1688.*

There being this day a representation made to the Council of your care and diligence to prevent tumults, and suppressing any insurrection that might have been in your town, and by apprehending such as are Papists, suspected priests, or utheris of that persuasion amongst you, and detaining them from joyning any who may have been in armes in any part of your neighbouring shires upon the noise made of the Papists coming from England: The Council have desyred me in thair name to give you hearty thanks for your care and timely intelligence given them in this matter, and by your Commissioner, Mr. Menzies, of Raes, your clerk, and do approve of your procedure in this affair, and look upon it as good and acceptable service at such a dangerous juncture as this is: And allows you to detain as prisoners in your Tolbooth those persons apprehended by you: Except the Laird of Barncleugh, your late Provost, who is to be sent hither prisoner by the gentry of your Shire, by order of the Laird of Lag, and others who have the Council's commands anent him. And the Council do hereby give order and warrand to Lag and Closeburn, with any two of your Town Council to sight what is in the said Barncleugh's cloak-bag found with him in his disguise, and to deliver to him such papers as properly belong to himself, and such as pertain to your toune and others (to be kept by the Toune), And such as belong to the Public to be sent under your sealls to the Clerks of the Council. Your care and diligence for the future to prevent troubles, and to keep peace amongst yourselves and keeping your Toune in a condition of defence for the



Protestant Religion and security of the Kingdom, is expected, there being a free election allowed you by the Councill, in whose name this is signified to you by

your humble servant,

ATHOLL.

(Original in Burgh Charter Chest).

No. 48.—Unto the Right Honorable the Lord Preces and remanent members of Royal Burrows, met at Edinburgh the 5th of July, 1709.

The Petition of the Merchant Trafickers within the Toun of Drumfres.

HUMBLY SHEWETH, that it is well known to this Hoñible Convention that it is the privilege of Royal Burrows only to import merchandise and other staple commodities from the Plantations and other places beyond seas for which privilege the Royal Burrows are assessed and taxed in the sixth part of the tax of the whole Kingdom of which sixth part your Petitioners do pay a part, conform to what your Honours have stented and taxed the Toun of Drumfries at. But considering the small trade which we formerly had is wholly inhansed and monopolised by setts, partnerships and clubs of gentlemen Freeholders and others within this country, and further who these several months byegone has driven the whole trade of this country and further than any merchants in this place or in this country used to do, by their importing great and considerable quantity of Brandy and Tobacco, which they have run and carried ashore in several bye creeks, such as Newabey, in the Water of Sark, Cummertrees and others. And have stocked not only all this country but likewise Teviotdale, the Merse, Cumberland and Northumberland on the English syde. And have had a ship of considerable burden lying off and cruising alongst the coast full of Brandy and Tobacco which is run and carried out in several places, and which offered to sink the Queens Boat and any other Boats except those of her own correspondence, that offered to come near her. And particularly upon Thursday being the last of June last, there was 24 packs of Tobacco seized in Annandale by William Johnstone of Bearholm, Collector of Her Majesties Customs here, and brought back within a mile of this place, but the same being owned by a person who is known not to be worth a groat, he applied, as is informed, to some

Justices of the Peace and showed them a sham transfer from Robert Douglas Collector at Glasgow, albeit it can be proved that the said Tobacco was lifted at a place to which it had been imbezzled and carried from the sea. Upon which the said Justices did give him a Warrant to intromit with and carry the said Tobacco. Which by collusion, it seems the Collector yielded unto. And as is said a certain gentleman concerned both in the Trade and in the Collection at Glasgow did immediately destroy the said pretended Transfer, thinking the foresaid Warrant to be sufficient. And we further REPRESENT that there was a loading of Brandy about the month of April last found in some waste houses at Newby, which was seized by the said Collector. And having sent a part of it up to Drumfries he secured, as he thought, the rest within the town of Annan,—but upon the first Sabbath Day, in the morning after the seizure, a great number of men with drawn swords and pistolls cock't entered the Towne on horseback and broke up the houses where the Brandy was lodged, and employed all the wheel-carts in the Towne of Annan to carry off the same, besides the carts they brought with them. And in open daylight they are known to unload Boats and carry off the Goods both in the English and Scots side to a considerable quantity which, as is informed by all, has come from the Isle of Man. And albeit that we have severall times laid the same before the Officers of the Custom House here, yet we have found no effectual redress, but the foresaid incroachments still increass and grow worse and worse.

MAY IT THEREFORE PLEASE, etc.

(Ex. Aitken MSS.).

## APPENDIX B.

- (1). THE COMMON GUID, 1590-1, 1612-3, 1627-8, 1633-4, 1662-3.

[1590-1.]

“The compt of the commoun guid of the burgh of Drumfreis of the termes of Mertynmes fourscoir ten yeiris and Witsonday fourscoir ellevin yeiris alsweill of thair commoun rentis and maillis or annuellis as customis and casualiteis with the defasandis thair of.

“Item, the haille rentell of the said burgh of all annuelrentis awand yeirlie to the communitie thair of out of the particular landis and tenementis alsweill thai annuelrentis quhilk sumtyme pertenis to the freiris callit the gray cordileir freiris and now to the comunitie be donatioun of our soverane Lord, as thai annuelrentis quhilk pertenis to the toun self, extendis in the terme to threscoir tuelf pundis with sum od schillingis or thairby, as the rentell productit to the Lords Auditors of the Chacker of befor will beir.

“Item, the greit customis extendis yeirlie to sevinscoir ten merkis.

“Item, fredomis and casualiteis of the saidis termis extendis to the soume of fyftie merkis.

“Summa of the haille charge dowbilland the saidis rentell of the terme extendis to threttene scoir sevintene pundis vjs. viij<sup>d</sup>. or thairby.”

## "DEFASANDIS."

"Item of fie to the provest .....	v merkis.
To ilk baillie of thre, xls. summa .....	vjl <i>i</i> .
To ilk officiar of thre, xls. summa .....	vjl <i>i</i> .
To the commoun clerk .....	xls.
To the thesaurare .....	v merkis.
To the dene .....	xls.
To the knockeper <sup>1</sup> .....	ten pundis.
To the scholemaster .....	xx merkis.
To the dempster and sowper of the tolboithis .....	xxxiijs. iiij <i>d</i> .
To the baburrie <sup>2</sup> .....	iiij <i>i</i> .
To the executare of the evill doaris .....	ij merkis.
To the reaser of the psalmis .....	ls.
To the belman .....	xiijs. iiij <i>d</i> .
To the Chacker of burrow maill yeirlie.....	xx <i>i</i> . xij <i>d</i> .
To ilk persoun of four for keping of the four portis, iiij merkis, summa .....	xvj merkis.
For keping of the conventionis of burrowis	threscoir pundis.
Item, for beting <sup>3</sup> and reparatioun of the brig of the said burgh quherby the tred of the toun cumis quhilk brig is now rewinous quhill it wes reparit this lait greit drowth .....	
tua hundreth and ten merkis.	
Item, in repairing of the portis in irne work and stane work .....	
ten pundis.	
Summa of the defasandis is xiiij <sup>xx</sup> xv <i>i</i> . xvijs. viij <i>d</i> .	

"And sua the toun of Drumfreis is behind and in dett." (Signed)  
 "Jhone Mairchell, baillie." "Ita est Herbertus Cunyngham notarius  
 scriba dicti burgi."

[1612-13].

"Compt of the commoun rent and casualiteis of the  
 burgh of Drumfreis betuix the terme of Witsonday 1612  
 and Witsonday last wes, 1613, being ane yeir.  
 "The commoun maillis and annuellis of the burcht  
 belangand of auld to the toun extendis yeirlie to j<sup>o</sup> x*i*.

1. Knockeper, clock-keeper. See Jamieson's *Dict.* s.v. Knock.
2. Baburrie, evidently drummer. Jamieson, s.v. Baub.
3. Beting, repairing. Jamieson, s.v. Beit.

The freiris annuellis .....	lij <i>li</i> .
Fredomis and casualiteis .....	iiij <sup>xx</sup> <i>li</i> .
The greit custume, to wit, the portis and trone .....	ij <sup>o</sup> <i>li</i> .
Summa .....	iiij <sup>o</sup> xli <i>li</i> .

## “DEFASANDIS.”

“To the provest for his fie .....	ii <i>li</i> . vjs. viij <i>d</i> .
To the thrie baillies for their feis .....	v <i>li</i> .
To the thesaurar for his fie .....	ii <i>li</i> .
To the dene and his officer .....	iii <i>li</i> .
To the scholemaster .....	xxiii <i>li</i> .
To the kepar and rular of our knokis .....	xxx <i>li</i> .
To our clerk .....	xl <i>s</i> .
To our four officiaris .....	xx <i>li</i> .
To our drummer and pyper .....	xx <i>li</i> .
To the dempster .....	xl <i>s</i> .
To the redare and master of the sangscholme .....	xl <i>li</i> .
To our advocat in Edinburgh for our commoun estait .....	xx <i>li</i> .
For our commoun calsayis <sup>4</sup> debursit this last yeir on the eist syid of the toun .....	iiij <sup>xx</sup> <i>li</i> .
For the bigging of the tounheid port and materiallis therto .....	iiiij <sup>xx</sup> <i>li</i> .
For our burrow maill to the Eschacker .....	xx <i>li</i> . xij <i>d</i> .
For the keping of the Conventioun of burrowis and the Parliament haldin October last wes .....	iiij <sup>xx</sup> <i>li</i> .
To our jevillour for keping of our jevill hous .....	xii <i>li</i> . vjs. viij <i>d</i> .
For xij ellis of taffatie of the cord quhyte and yellow to be ane handseinzie <sup>5</sup> for serving his Majeste...	xxx <i>li</i> .
Item, for the making thairof .....	v <i>li</i> .
Item, for vj stanis of iron to be menniekillis and keyis to the presoneris, with quhome we ar greitlie cummerit .....	xiii <i>li</i> .
Item, for the making thairof .....	vij <i>li</i> . xs.
Item, payit to Stephane Lowrie our lait thesaurar at the making of comptis, he being superexpendit...	xxx <i>li</i> .

4. Calsayis, causeways.

5. Handseinzie, ensign. Jamieson, s.v. Handsenyie.

"Sua we ar overmair superexpendit specialie in regaird we get manie trubillis be byrning and utherwayis." (Signed) "Johne Corsane, provest; J. Cunynghame, clerk."

"xiiij Julij 1613.—The said [day] compeirit James Cuninghame, balle of Drumfreis, and maid faith in Cheker that this is a just compt."

[1627-28].

"The Compt of the commoun geir and casualities of the burghe of Drumfreis betuix the terme of Witsundey j<sup>m</sup>. vj<sup>o</sup>. and twentie sewin yeiris untill the terme of Witsundey j<sup>m</sup>. vj<sup>o</sup>. and twentie aucht yeiris, being ane yeir.

"The commoun maillis and annuellis of the said burghe belangand to the towne extendis yeirly to ..... ane hundreth and ten pundis.  
 The freiris annuellis ..... lijlib.  
 The friedomes and casualities ..... one hundreth pundis.  
 The custome, to wit, the poirtis and trone, togidder with the custome of the brig sumtyme pertenyng to Daniell Kirkpatrik ..... iij<sup>o</sup> iij<sup>ss</sup> xvijli.  
 Summa ..... vj<sup>o</sup> xl lib.

"DEFEASANTIS."

"To the proviest for his fiell ..... iijlib. vjs. viijd.  
 To the thrie baillies for thair fiallis ..... vj lib.  
 To the thesaurar ..... iij lib.  
 To the deane and his officer ..... iij lib.  
 To the schoolemaister for his fiell and chalmer mail ..... iij<sup>ss</sup> lib.  
 To the fyve officiaris ..... xx lib.  
 To the drummar and pyper ..... xxx lib.  
 To the clerk for his fiell ..... iij lib.  
 To the dempster ..... xls.  
 To the reidar and maister of the sangschoole ..... iij<sup>ss</sup> lib.  
 To our advocat in Edinburgh for our commoun estait ..... xxvj lib. xiijs. viijd.  
 To the javellar for keiping of our wardhous ..... xx lib.  
 To the Exchecker for our burrow maillis ..... xxli xijd.

To our commissioner for his expenses for keiping of the conventioun off burrowis haldin at the burghe of Air.....	xliv lib.
For the clerk and agent fiallis at the said conventioun	iiij lib. xiiij[s.iii]d.]
To our commissioner to depurse to the Exchequer for <i>sic eque</i> .....	iiij lib. vjs. (?)
For repairing of our ..... (?) .....	iiij <sup>xx</sup> lib.
For poynting, pining, and repairing of our brig .....	liij lib.
For our pairt of the last missive for the conventioun of burrowis haldin at the burghe of Air .....	xxx lib.
To the rewler and keipar of the knokis .....	xl lib.
To the carier of the missive for conventioun of the burrowis .....	xxxxs.
For letters of releiff of his Majestes taxatioun .....	iiij lib.
To Daniell Kirkpatrik his wyff and chyldrene for the renunciatioun of thair infestmentis of the brig custume .....	j <sup>o</sup> xxxiiij lib.

(Signed) "W. Cunyghame, clerk."

[1633-34].

"The Compt of the commoun geir and casualeties of  
the burghe of Drumfreis betuix the terme of Witsunday j<sup>m</sup>.  
vj<sup>o</sup>. and thrattie thrie yeires and Witsundey j<sup>m</sup>. vj<sup>o</sup>. and  
thrattie four yeires being ane yeir.

"The commoun mailles and anuelis of the said burghe belangand to the toune extending yeirlie to the soume of .....	j <sup>o</sup> and ten lib.
The freires anuellis .....	liij lib.
The fredomes and casualeties .....	j <sup>o</sup> and xij lib.
The customes to witt, the portis and trone .....	iiij <sup>o</sup> and xiiij lib.
The mylne callit millhole mylne .....	j <sup>o</sup> lib.
The mylne callit the Sandbedmylne .....	j <sup>o</sup> & xxx lib.
Summa .....	viiij <sup>o</sup> xviiijli.

## " DEFEASANTIS."

" To the proveist for his fiall .....	iiij lib. vjs. viiij <i>d</i> .
To the thrie baillies for thair fiall .....	vj <i>libs</i> .
To the thesaurar for his fiall .....	iiij <i>libs</i> .
To the deane and his officer .....	v. <i>libs</i> .
To the schoolemaister for his fiall and chalmer maill	iiij <sup>xx</sup> <i>libs</i> .
To the four officiaris for thair fiall.....	xvj <i>libs</i> .
To the drumaris and pyper .....	xx <i>libs</i> .
To the clerk for his fiall .....	xls.
To the dampster .....	xls.
To the reader and master of the sangschoole .....	iiij <sup>xx</sup> <i>libs</i> .
To our advocat in Edinburgh for our commoun estait	l merkis.
To our agent in Edinburgh .....	xx merkis.
To the Exchaker for our burrow mailles .....	xx lib. xij <i>d</i> .
To our comissionar to depurse to the Exc hekquer for <i>sic eque</i> .....	iiij lib. xvs.
To our commissioner at the Parliament.....	ij <sup>o</sup> merks.
Item, for the defraying of the expenses of our last missive .....	j <sup>o</sup> iiij <sup>xx</sup> <i>libs</i> .
For the clerk and agent fies at the last conventioun of burrowes .....	iiijlib. xiijs. iiij <i>d</i> .
For the making and repairing of calseyis .....	j <sup>o</sup> merks.
For beiting and repairing of our brige .....	j <sup>o</sup> lib.
To the reuler and keiper of our klokkes .....	xl lib.
For the anuelrent of the moneyis adebtit be the tounne for the Sandbedmyle .....	j <sup>o</sup> <i>libs</i> .

(Signed) " W. Cunyghame, clerk."

[1662-63].

" The just rentall of the common guid and rent of the  
broughe of Drumfreis from Michellmes 1662 till Michellmes  
1663.

" Imprimis, for the brig custome ... ..	1666.13. 4
For 2 milles ... ..	0666.13. 4
For the customes of the Wehous ... ..	0333. 6. 8
Mair, for the tounes commone for their hores gres ...	066.13. 4

---

2733.06. 8



Depursed quhen the Earle of Mideltone was Com- missioner with the Kinges gard and a number of the nobillitie ... ..	1660. 0. 0
Mair, for our commisioner at Parliament ... ..	0400. 0. 0
Mair, for the scollmaisters ... ..	0200. 0. 0
Mair, for mending of the bridge ... ..	0260. 0. 0
Mair, for mending of our mylnes ... ..	0100. 0. 0
Mair, to him that keepis the knockis ... ..	0060. 0. 0
Mair, for the toune cullors ... ..	0330. 0. 0
Mair, for mending of the casas ... ..	0200. 0. 0
For the magistrats sellorie and the tounes <i>equie (sic)</i> ... ..	0230. 0. 0
	-----
	3444. 0. 0
The chairg supperexpendit in the summe of ... ..	706.13 4
(Signed) "Jo. Ewart, ther."	

## (2). "THE CUSTOME BUIK OF DRUMFREIS, 1578."

"The ressait of the custumes of Drumfreis be Archibald Douglas custumar there fra the first day of June the yeir of God j<sup>m</sup> v<sup>o</sup> threscoir sevintene to the first of Januar the yeir of God j<sup>m</sup>. v<sup>o</sup>. threscoir aughtene yeiris.

VOLL.<sup>6</sup>

Adame Gibsone .....	vij st[anes]
Edward Edzer .....	xxiiij st.
Johne Johnestoun .....	x st.
William Edzer .....	xvj st.
Edward Edzer .....	xst.
Thomas Glassan .....	xxx st.
Idem, .....	xl st.
Edward Edzer .....	xxx st.
Idem, .....	xliiij st.

Summa ... viijst. xix ped<sup>a</sup> (?)  
Inde custuma ... xjli. xiiijst. vd. ob.

## TAR.

Thomas Glassan .....	ij barrells.
Inde custuma .....	ijs.

## VINAGER.

Adame Gibsone .....	ij barrells.
Sym Lawsons .....	j barrell.
Adame Gibsone .....	ij barrells.
Summa .....	v barrells.
Inde custuma .....	vs.

PLOUMDAMES.<sup>7</sup>

Adame Gibsone .....	iiij barrells.
Sym Lawsons .....	j b.
John Vrycht .....	ij b.
Edward Edzer .....	$\frac{1}{2}$ b.
John Kirkpatrick .....	ij b.
James Sterne .....	j b.
Thomas Glassan .....	ij b.
John Bell .....	j b.
James Edzer .....	j b.
Summa .....	j last j b. $\frac{1}{2}$ b.
Inde custuma .....	xiijs. vjd.

LEDDIR POINTIS (the gross iiijd.)<sup>8</sup>

Thomas Glassan .....	iiij gross.
James Edzer .....	j gr.
Robert Raa .....	j gr.
John Amelegane .....	$\frac{1}{2}$ gr.
Edward Johnstoun .....	$\frac{1}{2}$ gr.
Adame Barras .....	j gr.
Matho Turnour .....	j gr.
Johne Davidsons .....	j gr.
Johne Bell .....	j gr.

7. Ploumdames, prunes. See p. 268, where the total is 'Sumna prunorum.' Jamieson, s.v. Plumbe-Dames, Damascene plums.

8. Leddir pointis, leather laces, largely used where we now use buttons. *New English Dict.* s.v. Point.

Summa .....	xj gross.
Inde custuma .....	iijs. viij <i>d</i> .

BLEW BONNETTIS (the dozen xij*d*.)

Adame Gibsone .....	j dozen $\frac{1}{2}$ .
Thomas Glassan .....	ij dozen $\frac{1}{2}$ .
Matho Turnour .....	iiij dozen $\frac{1}{2}$ .
James Edzer .....	j dozen.
Johne Wrycht .....	j dozen.
Johne Glessell .....	j dozen.

Summa .....	x dozen $\frac{1}{2}$ .
Inde custuma .....	xs. vj <i>d</i> .

## BLAKBONNETTIS (the dozen iijs.)

Adame Gibsone .....	$\frac{1}{2}$ dozen.
Thomas Glassan .....	$\frac{1}{2}$ dozen.

Summa .....	i dozen.
Inde custuma .....	iijs.

LEDDIRBETTIS (the gross xij*d*.)<sup>9</sup>

James Edzer .....	v dozen.
Robert Raa .....	ij dozen.
Thomas Glassan .....	vij dozen.
Matho Turnour .....	v dozen.

Summa .....	j gross vij dozen.
Inde custuma .....	xix <i>d</i> .

CAMES (the buist iiij*d*.)<sup>10</sup>

Thomas Glassan .....	j b[uist] <sup>11</sup>
Adame Barras .....	j b.
Johne Bell .....	ij b.
Johne Kirkpatrick .....	iiij b.

9. Laddirbettis, seems clearly an error for 'Laddirbeltis,' leather belts, which were dutiable articles in Scotland, see index to *Act. Parl. Scot.*

10. Cames, combs. See p. 264, 'cammbes'. Presumably tooth-combs, and not honey-combs.

11. Buist, box (Jamieson).

Summa .....	viiij b.
Inde custuma .....	ijs. viiij <i>l</i> .

## LEID.

Johne Vrycht .....	vj stane
Inde custuma .....	ijs.

ALME.<sup>12</sup>

Johne Vrycht .....	iiij st[ane]
Inde custuma .....	iiij <i>s</i> .

PEPPER AND GINGER (the pound v*l*).

Adame Barras .....	xij <i>lib</i> .
Matho Turnour .....	ix <i>lib</i> .
Johne Kirkpatrick .....	viiij <i>lib</i> .
Johne Vrycht .....	vj <i>lib</i> .
Johne Glessell .....	vj <i>lib</i> .
James Edzer .....	xij <i>lib</i> .
Johne Davidstone .....	xxiiij <i>lib</i> .
Thomas Glassen .....	iiij <i>lib</i> .
Johne Bell .....	iiij <i>lib</i> .
Summa .....	v stane v <i>lib</i> .
Inde custuma .....	xlijs. v <i>l</i> .

PAPER (the rim xij*l*.)

James Sterne .....	ij rim.
Matho Turnour .....	ij rim.
Johne Bell .....	ij rim.
Summa .....	vj rim.
Inde custuma .....	vjs.

CARTIS (the gross xviiij*l*.)<sup>13</sup>

Adame Gibsone .....	j gross.
Thomas Glassan .....	j gross.
Johne Bell .....	ij gross.

12. Alme, alum.

13. Cartis, no doubt cards, probably playing-cards. Possibly 'cards,' or wire-brushes for 'carding' wool, &c.

Summa .....	iiij gross.
Inde custuma .....	vjs.

## HERING.

William Edzer .....	iiij barrells.
Inde custuma .....	iijs.

LINT (the stan ix*d.*)

Johne Vrycht .....	ij st[anis]
Robert Raa .....	xxiiij st.
Johne Bell .....	vj st.
Thomas Horne .....	x st.
John Davidsonsone .....	x st.
Summa .....	lij stane.
Inde custuma .....	xxxixs.

WORSATTIS (the dozen of boltis xvjd.)<sup>14</sup>

Johne Glassan .....	iiij boltis. <sup>15</sup>
Thomas Glassan .....	iiij boltis.
Johne Ameligane .....	ix boltis
Johne Davidsonsone .....	x boltis.
Johne Kirkpatrick .....	viiij boltis
Edward Edzer .....	ij boltis.
Summa .....	xxxvj boltis.
Inde custuma .....	xlvijs. ( <i>sic</i> ).

OLEY.<sup>16</sup>

Thomas Horne .....	j barrell.
Matho Turnour .....	$\frac{1}{2}$ barrell.
Summa .....	j barrell $\frac{1}{2}$ .
Inde custuma .....	iiijs. vjd.

14. Worsattis, worsteds Jamieson, s.v. Worset.

15. Boltis, bolts. A 'bolt' is an old measure or roll of worsted, canvas, satin, &c. *New Eng. Dict.* s.v. Bolt.

16. Oley, certainly oil. See p. 264, where the total is 'Summa olei.'

## HEMP (the dozen of pondis vjd.)

Matho Turnour .....	vj dozen.
Johne Bell .....	ij dozen.
Summa .....	viiij dozen.
Inde custuma .....	iiijs.

## LINNING CLAYTH (the °/ vs.)

James Edzer .....	xiiiij dozen.
Matho Turnour .....	viiij dozen.
Edward Edzer .....	x dozen.
James Fruid .....	xvj dozen.
Thomas Horne .....	xij dozen.
Summa .....	lx. dozen.
Inde custuma .....	xxxs.

## BRASS (the stane xijd.)

Johne Johnestoun .....	xiiiij st[ane]
Inde custuma .....	xiiijs.

PRENIS (the dozen of papers vjd.)<sup>17</sup>

Robert Raa .....	vj dozen.
Johne Glessell .....	j dozen.
Summa .....	vij dozen.
Inde custuma .....	iiijs. vjd.

## INGLIS GUDDIS.

Edward Edzer .....	viijs.
Gavane Hudgeoun .....	vjs.
Johne Johnstoun .....	xiiijs.
Thomas Glassan .....	xiiijs.

17. Prenis, pins. Jamieson, s.v. Preyne.

Adame Gibsone .....	xviijs.
William Edzer .....	xvjs.
James Johnstoun .....	vjs.
Thomas Geddys .....	xijs.
Edward Johnstoun .....	viijs.
Thomas Murheid .....	xs.
James Sterne .....	xiijs.
Thomas Glassan .....	xxiijs.
Hew Killocht .....	vjs.
William Hopper .....	xs.
Johne Berbek .....	xiijs.
Gavane Hudgeoun .....	xjs.
William Davidsons .....	viijs.
William Edzer .....	viijs.
William Bell .....	vjs.
Johne Davidsons .....	vjs.
Matho Turnour .....	viijs.
Adame Gibsone .....	xvjs.
Johne Bell .....	iijs.
Ozie Achesone .....	viijs.
Edward Edzer .....	xijs.
Cuthbert (Urrie)? .....	iijs.
Johne Vrycht .....	viijs.
Thomas Brattane .....	xijs.
James Edzer .....	xijs.
James Johnstoun .....	xs.
Adame Gibsone .....	viijs.
Edward Edzer .....	xiijs.
Robert Raa .....	xiijs.
Cuthbert Achesone .....	xxs.
William Edzer .....	vjs.
James Fruid .....	xs.
Cuthbert Urrie (? Irvin) .....	xijs.
Matho Turnour .....	xijs.
Thomas Horne .....	viijs.
Edward Edzer .....	xs.

Summa ..... xxj*li*. vs.

Summa totalis custume, xlv*lib*. vijs. xd. ob.

Feodum custumarii ..... xvs. ijd. ob.

(?) Rotulatori ..... xliiij*lib*. xijs. viijd.

“CUSTUM BUIK OF DRUMFREIS, 1580.”

“The compt of the customes of Drumfreis fra the 12 of January the yeir of God 1579 to the 20 day of August anno 1580.”

TAR.

William Bell .....	ij barrells.
Mathow Turner .....	iiij barrells.
Cuthebert Irvin .....	iiij barrells.
Summa bituminis .....	ix barrells.
Inde custuma .....	ixs.

PLOUMDAMES.

Thomas Glassen .....	iiij barrells.
Cuthebart Archebaldsones .....	j barrell.
William Edger .....	ij barrells.
Johne Glassen .....	ij barrells.
Summa prunorum .....	viiij barrells.
Inde custuma .....	viijs.

VINAGER.

Johne Davidstone .....	iiij barrell.
William Hoip .....	ij barrell.
James Frude .....	ij barrell.
Summa aceti .....	vij barrells.
Inde custuma .....	vijjs.

OILIE.

Johne Johnestoun .....	j barrell.
William Houp .....	ij barrells.
Summa olei .....	iiij barrells.
Inde custuma .....	xijjs.



## BLEWE CONNETTIS.

William Edger .....	iiij dson.
James Frud .....	ij douson.
William Houp .....	j duson.
Summa .....	vij dozen.
Inde custuma .....	vijs.

## LEDDER POINTIS.

Thomas Glassen .....	ij gross.
Edward Edger .....	iiij gross.
William Houp .....	j gross.
Johne Johnestoun .....	v gross.
Summa .....	xij gross.
Inde custuma .....	iijs.

## CAMMBES.

Cuthebert Irvin .....	iiij buist.
Mathew Turnour .....	ij bust.
William Bell .....	v buist.
Summa .....	x buist.
Inde custuma .....	xld.

## PEPPER AND GINGER.

Johne Glassen .....	iiij staine
Johne Davidsoun .....	iiij staine
Summa .....	vij stane.
Inde custuma .....	lvjs.

## PAPER.

Cuthebert Irvin .....	iiij rim.
William Edger .....	ij rim.
Summa .....	vij rym.
Inde custuma .....	vijs.

## CARTES.

Mathew Turnour .....	j gross.
William Bell .....	ij gross.
Johne Glassen .....	iiij gross.

Summa .....	vj gross.
Inde custuma .....	ixs.

## PREINES.

William Houp .....	iiij douson.
Johne Davidsoun .....	j douson.
Cuthebard Irvin .....	v douson.
Summa .....	ix douson.
Inde custuma .....	vs. iiij <i>d</i> .

## LINT.

Thomas Glassen .....	x staine.
Edward Edger .....	xvj stane.
Johne Johnestoun .....	vj staine.
Johne Edger .....	xij stane.
Summa .....	xliiij stane.
Inde custuma .....	xxxiijs.

## INGLIS GUDES.

Thomas Glassen .....	xxiiij <i>s</i> .
Edward Edger .....	xxxij <i>s</i> . vj <i>d</i> .
William Edger .....	xl <i>vs</i> .
James Fruid .....	xvj <i>s</i> .
Cuthebert Irvin .....	xx <i>s</i> .
William Houp .....	xvii <i>s</i> .
Mathew Turnour .....	xxij <i>s</i> .
William Bell .....	xx <i>s</i> .

Summa Bonorum Anglicanorum custume ix*li*. xvi*js*. vj*d*.

Summa totalis custume, xvij*li*. xvii*js*. j*d*.

Feodum customarii ..... v*js*.

(?) Ro[tulato]ri ..... xvij*li*. xi*js*. j*d*.

## (3). WINE DUTIES, 1628.

“ The burrow court of Drumfreis haldin in the tolbuthe thairof twentie sax day of Junij the yeir of God j<sup>m</sup> vj<sup>o</sup> and twentie aucht yeirs Be Johnne Ranyng provest, Johnne Irving, Thomas Maxwell and James Maxwell, bailzeis of the said burgh, suitis callit, cowrt lawfullie affermit.

“ The quhilk day the saidis provest and bailyeis causit charge and conveye befor thame the persounes following only ventaris of wynis within the said burghe of Drumfreis to wit Johnne Hairston and Jonat Baitie spouses, Jonat Walker spous to the said Thomas Maxwell bailye, Agnes Coipland, all inhabitantis of the said burghe, and took thame solemnie sworne be thair great aithes that they suld leillilie and trewlie gewe up to the said provest and bailzeis the just proportioun and quantitie of all the wynis ventit and sauld be thame within the said burghe fra the first day of November j<sup>m</sup>. vj<sup>o</sup>. and twentie sax to the first day of November j<sup>m</sup>. vj<sup>o</sup>. and twentie seven yeiris. To the effect that payment micht be maid be thame of the new pittie custome and excyis imposit upone everie tun of wyne ventit rune tappit and sauld within the said burghe and the samyn sent furthe to his Majesties Exchecker: Quhilks persounes compeirand judiciaillie and being solemnie sworne as said is, geve up and deponit upone quantitie and proportioun of the said wynes ventit and sauld be thame be the said space in maner following, to wit, the said Johnne Hairstane and Jonat Baitie spouses deponit that they and their serwandis ventit and sauld within the said space ane punscheoune of wyne. Item, Jonat Walker deponit that sho and hir serwandis wentit and sauld within the said space ane punscheoune of wyne. Item, the said Agnes Coipland deponit that scho and hir serwandis wentit and sauld within the said space ane punscheoune of wyne; quhilkis being all comptit togidder his Majesteis pairt therof extendis to the sowme of thrie pundis Scotis money: Quhilk sowme the saidis provest and bailyeis then ressawit fra the saidis persownes and delyverit the same to their commissioner to the effect that payment micht be maid to his Majesteis Exchecker. This is the trew dispositioun of the saidis ventaris of wynes, And thairupone the saidis provest [and] bailyeis decernit act. Extract furthe of the burrow court buikis of Drumfreis be me Williame Cwnyghame notar commoun clerk therof witnessing heirto my signe and subscriptioun manuall. (Signed) W. Cunyghame, clerk.”

[1634].

“ The burrow court of Drumfreis haldin in the tolbuthe theroff be Johnne Irving, proveist, Thomas and James Maxwellis and Jonne Williamsone, baillies of the said burghe, the — day of Junij j<sup>m</sup>. vj<sup>o</sup>. and thrattie four yeires, suitis callit, court lawfully affermit.”

(This is of the same tenor as the last, depositions being taken from Janet Lowrie, spouse to the provost, Agnes Coupland, widow, and Agnes Richartsone, widow, only venters of wines in the burgh, of the quantities sold by them from 1st November, 1632, to 1st November, 1633, the first declaring 4 tuns of wine, and the other two 3 tuns of wine each, whereof the proportion payable to Exchequer is 30*l.* Scots, which being received the magistrates delivered to their commissioner to be paid in to Exchequer.) Extracted by (Signed) "W. Cunyghame, clerk."

## APPENDIX C.

THE DANGER of Inconsideration about supplying a present Vacancy of the Clerkship, in a form a Wellwisher to a Member of the Council of D.—

SIR,

As we have a mutual love to the public good of the place and have had frequent discourses and good wishes for the right and faithful Government of it, so at this occasion with respect to the vacancy of that public office to be supplied, I cannot omit to give you my thoughts.

You have been a witness and even borne part in the present administration, and your true discharging it, does, I know, reflect from those who know you a serene aspect, confiding in your aim at the public welfare in a peaceable and calm way; And that you should put forth, now, into act your good intentions, with a kind of forwardness, which attract the concurrence of men of like principle, is the present expectation. The station of the Town Clerk is to be supplied, which is a great Trust, and the right doing of it to the common good, as it is a faithful step of administration in these capable to make this choice, so it will procure the general satisfaction of all concerned, not only in the Town, but out of it. As to the Magistrates and Council to whom the power of admission is entrusted, I shall 1<sup>mo</sup> give you my sentiments what they ought to be, in which class I consider the Council as to Election of Officers. 2do. The consideration and prudence they ought to have in such matters. 3tio Their design and aim. 4to The office and qualification of the persons to be elected. 5to The Fidei Commissa or Trust committed to him, 6to & Lastly, his Continuance and Discharge.

You know what the Sacred page speaks of Magistrates and with what names they are honoured; And Sully<sup>1</sup> that excellent Orator & Statesman, Lib. I de Off., advises, that *Qui repub, prefecturi sunt, teneant haec duo praecepta; Unum, ut utilitatur Civium sic tueantur, ut quicquid agat ad eam referant, obliti commodorum suorum. Alterum, ut totum corpus Reipub. curent, ne dum partem aliquam tueantur, reliquas deserant* &c. not to say anything about the present Magistrates and Council, hoping they are true and honest hearted men. And in such a choice as now falls in, their fidelity and fitness is conspicuous, as also their virtues and natural defects will be observed: For if the latter be prevalent in them, they will be hindered thereby in the due exercises of their Office, even as a just man for his justice may be elected a Judge, yet if he be fearful, he will from political ends, as is commonly noticed, leave Justice and cleave to his own safety; therefore they ought to have no other end, than regard to the public good, which ought to be common to them with the good or ill success thereof. For this purpose having interest in the place is a great engagement on them to the common interest. For they who in a Council have fears, to prevent the loss & hazard of their own, will incline at the same rate to be careful of the public. Wherefore Marc Anton[y], the Philosopher and Emperor, decreed that the Senators of Rome who were not Italians should at least have the fourth part of their Estates in Italy, to make them careful for the preservation of the Province whence the Empire was seated.

But hereby I would not be understood to have a jealousy of any of the Council, who may be of better or surer Estates than in the place, or that they being strangers and unacquainted with the constitution of the Burgh and the many vicissitudes and changes thereof in public and private revolutions and successions of times (which truly in itself is a concerning Caveat), should prevail on me to presume that they would leave Justice for self interest or decline

1. Cicero (formerly often called *Tully*), De Officiis, i. 25. Omnino, qui rei publicae praefuturi sunt, duo Platonis praecepta teneant; unum, ut utilitatem civium sic tueantur ut quaecunque agunt ad eam referant, obliti commodorum suorum; alterum, ut totum corpus reipublicae curent, ne dum partem aliquam tueantur reliquas deserant. (Those who are to be statesmen should strictly observe Plato's two precepts:—the one, to shape all one's actions with a view to the well-being of the citizens, regardless of self; the other, to take care of the *whole* of the community, lest when paying special attention to one part, the rest should be neglected.)

deliberation; and I doubt not, but past transactions, if reminded, ought, if nothing else would, to move them to be considerate, PISCATOR ICTUS SUPIT.<sup>2</sup>

The Common Interest of the Burgh & Burgesses and Heretors rights, of which in the first place the Magistrates are the Guardians and of which they have the power to commit the Trust, is a great motive for their being considerate at this occasion. They are to foresee conveniences and inconveniences which may fall out in the public and private Interest; and maintaining their own Acts, with respect to former conveniences, to precaveat Mercenaries & Tolls amongst themselves; and how far avarice, dependence, or facility may engage men to the detriment of the public. Their design and aim by a considerate choice ought not to lie by laying their own self concerns in the balance with the public committed to them; Seeing from such aims and designs there may be greater hazards impendent than they are aware of: And if any of that number whose faith may be implicit and cleave to others, doing as they do &c. as it betrays their weakness and an unfitness in them for such a station; So they (that are to aim only at the public good for the future) cannot exoner[ate] their consciences to answer the end of their Offices. And there is unquestionably required as great a prudence, zeal and consideration in the right choice of a person to supply the present Vacancy, as in the election of any Magistrate or other Officer, whose station is more short or alterable. And certainly your members being yearly alterable, as your set and establishment appears to be, if their eyes are opened, or if they have a true understanding of their circumstances and do not make their end in the foresaid choice the public good, they are not only guilty of great iniquity and malversation, but of drawing on the present Constitution of the Council, Burgh, and particular Heretors & Burgesses, an inundation of tyrant-like and barbarous oppression, harassing and violence.

2. *Piscator ictus sapiet* (the fisherman when *ictus* will become wise). Latin proverb. "Ictus" is a word of very indeterminate meaning, *e.g.*, struck, stung, bitten, etc. The proverb may mean "The fisherman after being bitten (*e.g.*, on the fingers by a pike) will learn wisdom," or it might mean "after he has been pricked in the hand by the spines of a perch," or "after he has pricked his fingers when baiting the hook," or "after being stung when sitting on a wasps' nest." In any case it seems clear that the proverb is a rude reflection upon the intelligence of fishermen in general, and in view of the abnormal and provoking patience of some bait-fishermen, it perhaps means, "You can only *knock* sense into a fisherman."

The Office itself, the extent of which is well known, and how far the fidelity of the Clerk should be commensurate thereto, is a worthy consideration. Cicero<sup>3</sup> in *Q. Ver.* says *Ordo (viz. Scribarum) honestas est quod eorum hominum fidei, tabulae, publicae, periculaeque Magistratuum committuntur.* And Emyl. Prob.<sup>4</sup> says that *Nemo ad id Officium admittitur, nisi honesto loco, fide et industria cognita: Quia necesse est eum omnium Consiliorum esse participem.*

This I think is a cogent enough argument; for a person in that trust hath the secrets, public writes, Acts of the Council, and the Records and rights of the Burgesses in his hands, and to discharge this aright without respect to private ends, nor to lay open defects of men's rights, as it is *rara avis*; so these whose ambition leads them to amass and acquire will scarcely be bounded; *Usus altera fit Natura.*<sup>5</sup> But of all persons whom you may assume to that Station, beware of these who have made early factions and untimely enticed the Council to get themselves installed in the Office; Such methods, by how much the more indecent & indirect, by so much the more do demonstrate the ambient person to be most accomodate thereunto, being rather suspected in such a case to be fraughted with some home design, *et ex ungue leonem,*<sup>6</sup> &c. And the *Lex Julia de Ambitu*<sup>7</sup> defines it to be *Crimen male adfectati honoris in illo qui vera Virtutis via ad honorem aspirare non potest, ambitione contendit quoe Multos Mortalis falsos fieri coegit, cujus poena apud*

3. Cicero, *In C. Verrem*, 2, 3, 79, §183. *Ordo (viz., scribarum) honestus est, quod eorum hominum fidei tabulae publicae periculaeque magistratuum committuntur.* (The order of writers is a respected one; because to their good faith state papers and the projects (literally *experiments*) of the government are committed.)

4. Aemilius Probus (or Cornelius Nepos), xviii, *Eumenes*, cap. 1. *Nemo ad id officium admittitur, nisi honesto loco, et fide et industria cognita; quod necesse este omnium consiliorum eum esse participem.* (No one is admitted to that office (of writer) unless of respectable origin, and known to be trustworthy and industrious; because of necessity he is a sharer in the counsels of all men.)

5. *Usus altera fit natura.* (Use becomes second nature). Cicero, *De Finibus*, 5, 25, 74, has a passage almost exactly like this.

6. *Ex ungue leonem.* (You may know a lion by the claw.) Latin proverb.

7. The quotation is not from the *Lex Julia de ambitu* (B.C. 18), which is not extant. The passage must be taken from some comparatively modern Latin writer, as the words "apud Romanos" (among the Romans) clearly show. In the translation, "these men" should be "many men"; after the word "punishment" should be inserted "among the Romans"; also "seven fines" should surely be "severe fines," but the Latin text has merely "monetary fines."



*Romanos erat deportatio cum mulctis pecuniarum.* That is in plain Scots—That pewthering is a crime of sinistrous seeking after honour in that Man, who cannot attain or compass it, in the way of true virtue, but by pewthering for it, which has made these men to be false; and the punishment was banishment and seven fines of money. And at the same rate ought these wheedling sticklers be punished, who have been going about to elicit suffrages on specious pretences, cajoling some and menacing others whose late embroiling the gravest and retired persons amongst you (for self interest as you may well remember) as it has past IMPUNE, so therefrom they stick not to go on to wheedle and cajole men out of their senses, until they meet with a brand as the characteristic of their factious complexions. Hence it will not be denyed that such persons who may have dependence or nearer contingency with these whom you either experienced or do fear to be opposite to your Interest, or who have dependence on either Jurisdictions which may render yours more indifferent, (a Communities interest being seldom so well looked to, as that of a single person in matters of Jurisdiction, especially where there may be in many things competition); And that a Clerk in these cases [is] either much rely'd on, or influenced to an indifferency. And surely these Members among you who will act in a conscionable discharge of their Offices & oaths *de fideli*, cannot without palpable prejudice and hazard, reject a due consideration of these things, to which their being strangers will be so far from excusing them, that it will aggravate their malversation and their declared and designed prejudice to the place. And we commonly repute them blind or furious who, being upon a precipice, cannot look to the height from which they are like to fall down. And at such occasion men unacquainted with your constitutions and who will give evidence of their being careless of preserving thereof (having no interest from which the public may be endeared to them) tho' men of tolerable probity, are presumed to save themselves and let the public fall.

The trust committed to this station is great, which with due service and attendance (of which I shall speak afterwards) the exact performance of all which being the correlate in the Clerk are *Fidei Commissa*, or great Depositum consigned to him. I need not tell you the exact fealty and chastity to your secrets, an abstractedness of Interest from factions among you, and from influence, dependence, and conduct extrinsicus, and a zealous & ingenuous concern for the

honour of the Magistracy, Council & Public at all occasions, with good counsel (may be) to young Magistrates and Officers at times, to vindicate & rescue them and the public privileges from outward assaults. These and many other requisites are such peculiar parts of the trust which you would think that persons, even of undoubted integrity and fidelity, wanting ambition of purchase and preferment, might be thought not the less unaccommodate unto. To this I shall add, that the person elected if not of a due levell in the premises, may be doubted for performance of what may be expected of him; for according to a person's estimate by himself or others, so he will expect to be treated, which you would narrowly look to, lest he rise to a pitch beyond due attendance and respect of which I suppose you have experience. And as magistrates are in culpa for not maintaining their authority, so at first such fair parasites turn near Masters, if not Equals. The best knowledge of them being their actions, and it is to be adverted, that even any more dexterity than a requisite skillfulness (which as it is. depraxi, hurtful) is altogether unnecessary. It is said your establishment is of a juncto of men sincerely intending the good of the public, who did extricate and emancipate themselves from the malevolent and sinistrous draughts and contrivances of these, whose Ambition for rule and monopoly &c. would have carried them far to lay hold on absolute Mastery & Dominion &c. *Dei, Deus, immiti cornua curta Bovi.*<sup>8</sup> If this be true as your consciences best can witness, it is the greatest and unjustifiable blindness imaginable, to give any occasions for revolving and precipitating yourselves into your old Egyptian slavery and subjection.

And Last, for the persons continuance; If he be neither of the qualifications above represented, or of swerving from these before discovered in him, the only remedy is the *Bene Oplacitum Novum*,<sup>9</sup> by which your leised liberality & honour is safely retrieved; the which, if it turn not like many acts intentionally good, but effectually nothing, will be the only curb of petulancy, & a trap to catch their malverses in, otherways a dutiful and humble Servant may find longer entertainment.

8. Det Deus immiti cornua curta bovi. (May God give the savage ox short horns.) Latin proverb; but it looks rather like a Latin rendering of the old English proverb—"God sends the shrewd [*i.e.* vicious] cow short horns."

9. Beneplacitum novum. (Welcome novelty.)

Nevertheless maintain the Authority of your Acts, that your Enemies may never mock at scare crows, nor find you disunite and loose as they may step in amongst you, to the violation of your equal and harmonious establishment. Divide and Conquer is such a maxim as seldom fails; and 'tis to be doubted, if there be not such tools already with you, either thro' infirmity, fear or design; I wish they were found out and cast out; If any have been enticed or surprized, before due consideration, to give their suffrages, it is probably what they cannot justify themselves for compliance unto, yet it is better to suspend that affair for a time, seeing *Non nocitura mora est*.<sup>10</sup>

And as to such, who may be surprized with the giving of promises to note a person to be Clerk, whom in their Consciences they are convinced to be concerned in such Factions, fomented by those who aimed at no less than the ruin and misgovernment of the Burgh; and turn them out of the Congregation of the Lord; and even prosecuting them before the most solemn Courts to have procured the civil sanction to patronize their oppression, particularly meaned of these creatures and dependants who have given birth and life to these pleas and many others to this very day; and I think their endeavouring to turn the whole trading Merchants that are the most considerable members of the Council, out of these seats which they have immemorially and by prescription possessed; besides the expunging the names & memory of any persons & families against whom their virulent pique is levelled, which may be recant with all the Board, ought so far even by the motive of that their self concern in public, be operative to the surmounting of their own private by-orders & interest.

But I shall only answer these gentlemen— 1<sup>mo</sup>, That their promises, tho' they had been confirmed by oaths, are unbinding upon them. In regard the Counsellors as such are sworn to be true to the Burgh, and are in case & place as Tutors to pupils, who by law can never act, far less promise & swear anything to the detriment & prejudice of their pupils or mandants, without authorised stain & imputation of Infidelity; And by the sentiment & construction of all Christian Nations, unlawful oaths, much less promises ought not to be kept.

10. *Non nocitura mora est.* (Delay will do no harm.)

And 2<sup>do</sup> for confirmation of this, since in the construction of Law & Reason you, as Counsellors & acting for the public interest & common good of the Burgh, to which you are sworn, are no more bound by promises, yea even oaths, to act contrair to the light of your consciences to the Trust & Credit reposed in you by the good Town, and its true interest & advantages, no more than a wife could do without the express allowance & advice of her husband, as appears by the Sacred text, & by the 30th. Chap. Numb. from the 6th. to the 16 verses. And as you are protestants as well as Christians I would advise you to consult your Confession of Faith, as to the point of vows, much less promises; for if the matter of your promises be impossible or unlawful then is your promises void; And there is *Locus poenitentiae*,<sup>11</sup> or if it be indefinite, in which case it is to be determined when the truth of the matter appears better to you; And I suppose there is no necessity previously requiring those of you, by any Divine law; But, & if your promises have been spontaneous & arbitrary, then your promises or even oaths are interpretable (in the opinion of Divines) *Ex ipsius jurantis seu spondentis mente*,<sup>12</sup> And if you would approve yourselves faithful to God, your own consciences, to the good Town who have entrusted you with this right, and to the Inhabitants whose eyes are upon you in this juncture, so demean yourselves with that candour & unbiassed interest, unpartial concern, for such a person who in your consciences you are fully persuaded will be most conducive & instrumental for advancing & improving the real interest & advantage of the good Town; peace & love amongst neighbours; most faithfully & unconcerned by act of the true interest of all, without discrimination or regard to particulars, who may be no tool to nurse factions, & divisions, nor to propale the Town's secrets, nor to discover the defects of the Inhabitants rights, nor to be interested in persons who carry on interests very different from the Good Town's; And for whom in your prudent choice & election, the Inhabitants may hereafter occasion to bless God for your prudent conduct & advertencie, than to curse you for your imprudent choice & precipitation. But pray take notice of what you are doing, for upon your manages does

11. *Locus poenitentiae*. (Room for repentance, an opportunity to change one's mind or course of action.)

12. *Ex ipsa res jurantis seu spondentis mente*. (By the very mind, i.e., intention, of the person swearing or promising things.)

depend the good or ill success of the public. *Et priusquam facto opus est.*<sup>13</sup>

Sir, I hope your candid & serious concern for the public will, as hitherto has been, be further evident in all your actions on that score. But finding my writing runs over the bounds of a letter, for which I beg pardon, I shall only subscribe myself,

Sir,

Yours, &c.,

April Anno 1704.

13. Sallust, *Catiline*, cap. 1. Priusquam incipias consulto, et ubi consulueris mature, facto opus est. (Before you begin is the time for reflection, and when you have fully reflected, then is the time for action.)



# INDEX.

This is a full index of all places and names in the book. But when a genealogical note deals exclusively with a family, the names of the members of that family recorded there do not figure in the Index. A reference to the note is given in the Index in italics under the name of the family. The Index does not cover the pedigree charts.

- Aaron of York—112.  
 Abirbrothoc Abbey—134.  
 Abircrombie, John—213.  
 Abisatland, lands of—193.  
 Abyndon, Mag. Richard de—223.  
 Achanskeoch, owners of—32.  
 Achesone, Cuthbert—267.  
 —, Ozie—267.  
 Achintrait—120.  
 Adair, Major—119.  
 Adam, Magister—8, 134.  
 —, son of Henry—134.  
 —, the miller—110.  
 Adamson, John—127.  
 Advocate, King's—50, 66, 73, 166.  
 Affleck, Alexander—169.  
 Agnew of Lochnew—154.  
 Ainsworth, Robert—20.  
 Aitherney, lands of—105.  
 Aitken, James—171.  
 —, John Carlyle—7.  
 Akenhead, David—59.  
 Alan, Son of Emma—134.  
 —, son of Rolland—219.  
 —, son of Walter—218.  
 Albany, Duke of—209.  
 Alexander, Sheriff—60.  
 Almagill, lands of—197, 200.  
 Alneto, Thomas de—8.  
 Alves, William—205.  
 Amuligane (Ameligane), George—233.  
 —, John—234, 262, 265.  
 —, Thomas—227.  
 Anderson, Sir Herbert—240.  
 —, Homer—206.  
 —, James—243.  
 —, Roger—229, 231.  
 Androsone, Cuthbert—227.  
 Angus, Earl of—94.  
 Annan—21, 28, 184, 254.  
 —, the river, 30, 120.  
 —, teinds of—201.  
 Annand, John—139.  
 Annandale, James Earl of—96.  
 —, (Murray), the Lord—32.  
 —, Marquis of, 48.  
 —, William, Marquis of—38,  
 Anworth, parish of—182.  
 Arbijlands, lands of—26, 30.  
 Archibald, Dr. George—5, 81, 99, 144.  
 Archebaldson, Cuthbert—268.  
 Arkleton, lands of—193.  
 Armstrong, Sandy—209.  
 Arnot of Ferny, Robert—184.  
 Arplyn, David—11.  
 Athole, Duke of—26, 28.  
 Auchencraith (Achenrafe)—8, 47, 84,  
 194.  
 Auchinleck, William—187.  
 Auchenclossan, heir of—37.  
 Auchmarr, lands of—176.  
 Author, Mine—30, 35, 64, 77, 88, 89,  
 111.  
 Avelinus, in Dumfries (1290)—221.  
 Ayr—11, 152.  
 Ayton, John—135.  
 Ballimness (Ayrshire), lands of—122.  
 Balliol, John de—176.  
 Ballone, lands of—184.  
 Bannachtie (Fife)—184.  
 Bar, laird of—199.  
 —, John de—223.  
 Barbour, Schir Fergus—230, 231.  
 —, Mr. James—119, 141, 149, 210,  
 213.  
 Barclay, bailie—81.  
 —, Mr. Hercules—236.  
 —, Mr. Thomas—236.  
 Barjarg, MSS., fate of—6.  
 Barncaillzie—6.  
 Barras, Adam—262, 263, 264.  
 Bartane, Robert—187.  
 Bass Rock, the—147.

- Batie (Bate, Baty), Andrew—242, 243.  
   —, Jonet—246, 271.  
   —, John—107, 241, 245, 246.  
   —, Schir John—238.  
   —, Michael—240.  
   —, Robert—179, 249.  
   —, Thomas—244, 246.  
   —, William—242, 243.  
 Bautie, Will—130.  
 Beaton, Cardinal David—118, 139.  
   —, Archbishop James, 118.  
 Beaumont, Dame Elizabeth—201.  
 Beir, Schir John—240.  
 Bek, Gilbert—242.  
 Bell, Andro—67, 209.  
   —, George baxter—164.  
   —, John—262, 263, 264, 265, 266, 267.  
   —, William—267, 268, 269, 270.  
 Bellamont, Cardinal—36.  
 Bennett, William—5.  
 Berbek, John—267.  
 Berkele, Walter de—218.  
 Betwixt the Waters, lands of—226.  
 Birkmyr, Herbert—179, 182, 214, 248.  
   —, Michael, 227.  
 Birkmyre, Catharine of—228.  
   —, Katharine—189.  
 Byrkmyre, John—234.  
 Bishop, David—78.  
   —, John—67.  
 Bittecourte, John de—223.  
 Black Saturday—215.  
 Blackhall (Perth)—184.  
 Blackstok, Mariot—236.  
   —, Martin—236.  
 Blyth, William—245.  
 Bodha, Alan de—134.  
 Bonar, Mr. David, parson of Strabrok—237.  
 Bondi, Patrick de—227.  
 Bonnerlands—See Bourlands.  
 Bosch', William de—218.  
 Boulton, Adam de—11.  
   —, John de—11.  
 Bourdon, John, Sheriff of Berwick—102.  
 Bourlands, lands of—121.  
 Boyd, Earl of Arran—176.  
   — of Badenheath, Margaret Lady—176.  
   — of Duncoll, Sir Alexander—176.  
   — of Kilmarnoch, Sir Thomas—176.  
   —, Sir Robert—176.  
   —, Robert—107, 176.  
   —, William—176.  
 Boykin (Eskdale) Chapel—196.  
 Boytath—21, 173.  
   —, laird of—73.  
 Branthwat (Cummertrees)—197.  
 Brattane, Thomas—267.  
 Breck (Brek), Gilbert, Chaplain—230.  
   —, James—111.  
 Brechnach, Gildudbricht—217.  
 Breda, Treaty of—185.  
 Brewers, the—49.  
   —, mob of (1718)—50.  
 Bristou, William de—219.  
   —, (Bryce, Brise), Schir James—136.  
 Brice, Schir John—236.  
   —, John—175.  
   —, Mag. Peter—136.  
   —, William—186, 234.  
 Bryce, family of—180 (*N.* 74).  
 Brocklerig, lands of—120.  
 Broghill, Lord—185.  
 Broun (Brown), Schir Adam—137.  
   —, Cuthbert—248.  
   —, James—148, 211, 244.  
   —, William—225, 226.  
 Broutar, Thomas—226.  
 Bruntscairth (Brunscayth), lands of—8, 47, 84, 131, 194.  
 Brus (Bruce), Adam de—112.  
   —, Christiana—111, 115.  
   —, Edward—168.  
   —, Elizabeth de—115.  
   —, Margery—114.  
   —, Peter de—112.  
   —, Robert de—113, 218.  
 Bryson, Mr. James—136.  
 Buccleuch, Anna, Countess of—143.  
   —, Walter, Master of—206.  
 Buchanan, George—87, 100, 133.  
 Burgo, Walter de—220.  
 Burnet, Mag. William—138.  
 Burnside, Dr., Minister of the New Kirk—5, 100, 111.  
 Burns Work—20.  
 Burrow Aikers, the—21.  
 Bushby, John—131.  
 Calais, staple of—208.  
 Callan, James—214.  
 Caly, George—208.  
 Cambok, Robert de—222.  
 Campbell of Loudoun, Hugh—124.  
   —, Mr. George—38, 146.  
   —, Mr. John—162.  
   —, Mathew—124.  
 Cancia, Thomas de—219.  
 Cannisbie, parson of—236.  
 Car, Thomas—136.  
 Carberry, lands of—105.  
 Cargane Water—107.  
 Carlaverock, Chaplain of—104.  
   —, Castle—118.  
   —, Kirk of—135, 183.  
   —, Kirklands of—104.  
   —, lands of—33, 102, 116, 142, 188.  
   —, teind sheaves, 198.  
   —, Ada de—167.



- Carliol, Edno de—167.  
 Carlisle—11, 12, 13, 21, 28, 102, 195,  
     210.  
     — Castle—185.  
     —, Robert, Archdeacon of—219.  
 Carlile, John Lord (1486)—92, 177.  
     —, Michael Lord—105, 173.  
 Carlyle (Carlile)  
     —, Agnes—101, 173, 204.  
     —, Gavin—82.  
     —, James—173.  
     —, Janet—173.  
     —, John—173, 235.  
     —, Margaret—173.  
     —, William—See Boytath.  
     —, William—72, 171, 173, 187.  
 Carnsalloch—47.  
 Carnwath, barony of—124.  
 Carnys, John de—195.  
 Carric, Sir Gilbert de—114.  
 Carruthers of Holmains—201.  
     —, Simon of Mouswald—92.  
     —, Adam—226.  
     —, George—240.  
     —, Janet—97, 163.  
     —, John—9, 234, 238, 239.  
     —, Schir Marc—116, 118, 158, 241.  
     —, Mag. Roger—135.  
 Carse, the haven of—26.  
 Carsone, John—See Corsane.  
 Cassillis, Earl of—181.  
 Castle Eden, lands of—112.  
 Castlemylk, rector of—231.  
 Chad, Gilla—219.  
 Chalmers, William—213.  
 Chapelhill (Bankend)—116.  
 Charteris (Chairtouris), family of—76  
     — of Kelwode, George—123.  
     — of Kelwode, James—123.  
     — of Kelwode, Robert—123, 130.  
     — of Windehills, John—123.  
     —, Janet—110.  
     —, Sir John—95.  
 Chenai, Ricardus de—219.  
 Chilston, Viscount—131.  
 Christ's Hospital—166.  
 Cicestria, Peter de—223.  
 Clacmannan—219.  
 Clapperton, Dr., of Lochmaben, 6.  
 Clark, bailie—88.  
     —, John, sen., writer—15.  
 Clerkslands in Dalswinton—176.  
 Claverhouse—159.  
 Cleghorne, George—206.  
 Clerk, John, tailor—171.  
     —, Margaret—180.  
 Clifford, Robert de—114.  
 Closeburn, laird of—73, 252.  
 Cluden, lands of—175, 202.  
     —, Water of—74.  
     —, Waulk Miln—174.  
 Cock, Mr. Edward—See Sir E. Coke.  
 Cockermouth—28.  
 Cocklaw, lands of—127.  
 Cockpool—30.  
 Coke, Sir Edward—23, 87, 102.  
 Coldingham, Abbey of—236.  
     — Commendator of—236.  
 Colinhathrig—See Conheathrig.  
 Colliston's Act—70, 170.  
 Colvend, parish of—30.  
     —, teind sheaves—198.  
     —, Richard, parson of—219.  
     —, vicar of—233.  
 Colvill, Thomas de—8.  
 Colyear, Sir David—164.  
 Comlongan—30.  
 Comyn (Cumin), W. Earl of Buchan—  
     218.  
     — John—25, 33, 167.  
     —, Sir John—176.  
     —, Sir Robert (1305)—33.  
 Conheath, laird of—116.  
     —, lands of—199.  
 Conheathrig, lands of—197, 199, 200,  
     226.  
 Conhethe, Malcolm—121.  
 Coningholme, lands of—106.  
 Connellsoune, Thomas, notary—235,  
     241, 244, 245.  
 Copland (Coupland, Coipland), Wil-  
     liam of Colliston, provost—60,  
     75, 78, 79, 83.  
     —, Agnes—271, 272.  
     —, James—248.  
     —, John—180, 187, 214.  
 Corbet, provost—50.  
     —, bailie—213.  
     —, John—187.  
     —, Robert—109.  
 Cordonar, Adam—225.  
 Corry (Corrie) of Kelwode, family of  
     —121 (*N.* 30).  
     — of Kelwode, George—122.  
     — of Kelwode, Thomas—122.  
     — of Newby, Herbert—122.  
     —, George de—122.  
     —, George, innkeeper—165.  
     —, Joseph—107.  
     —, Thomas de—122.  
     —, bailie—67.  
     —, provost—98.  
 Corrie, Miss—122.  
 Corsan, Adam—161, 186, 248, 249.  
     —, Agnes—161.  
 Corsane, Dom. Thomas—135.  
     —, (Corsan, Corsen), family of  
         —77, 195 (*N.* 81).  
     —, John—89, 120, 130, 139, 152,  
         154, 172, 175, 179, 181, 182, 186,  
         187, 204, 215, 239, 247, 248, 249,  
         258.  
     —, Mr. John, of Bardannoch—72,  
         171.

- Corsane, Patrick—225, 227.  
 —, Thomas—161, 245.  
 Corsanes of Barndarroch, townhouse  
 of—32.  
 Corsockwood—146.  
 Corsell, John—See Corsane.  
 Cossincon—335.  
 Coulter, family of—76.  
 —, Mathew—88.  
 Coupan, John—209.  
 Coutts, James—99.  
 —, John—99.  
 Cowbistoun, lands of—124.  
 Cowhill, lands of—177.  
 Cowrick, Thomas—144.  
 Cragincalve (Ayr), lands of—122.  
 Craiginnie—6.  
 Craigs, lands of—30, 85, 121.  
 —, Barnkein of—131.  
 —, Burnfoot of—131.  
 —, Hightown of—131.  
 —, Place of—132.  
 Craik, family of—78.  
 —, W. of Duchrae, provost—50, 51.  
 —, William of Arbigland—79.  
 —, John—171.  
 —, Marion—161.  
 —, Robert—161.  
 —, William—161, 175, 187.  
 Cranstoun, Sir William—142, 182.  
 Crawford (Crauforde), of Kers, Bar-  
 tholemew—124.  
 — of Kers, David—124.  
 — of Kers, John—122.  
 —, Adam—122.  
 —, Asplanus—122.  
 —, Christina—122.  
 —, Duncan—124.  
 —, Fergus—122.  
 —, George—122.  
 —, James—122.  
 —, Roger—122.  
 —, Robert—122.  
 —, Schir Thomas—124.  
 Crevequer (See Troqueer)—218.  
 Crew, Heleus—237.  
 Crichton of Crawfordton, John—202.  
 — of Innernytie, John—184.  
 — of St. Leonard's, James—193.  
 —, Elizabeth—163.  
 —, Ninian—77.  
 —, Sir Robert—163.  
 —, Sophia—202.  
 Crechtoun, Schir John—138.  
 Criffell—20.  
 Crocket, Gilbert—2, 53.  
 Cromwell, Oliver—37.  
 Crosby (Crosbie, Corsbie), family of  
 —167 (*N. 62a*).  
 —, provost—50, 64, 67, 80, 98.  
 Corsby, John—251.  
 Crustanis, lands of—247.  
 Cuke, Marion—183.  
 Culneath, Sir Richard de—121.  
 —, Thomas de—121.  
 Cultre, rector of—135.  
 Cumlechan, vicar of—195.  
 Cummok, vicar of—124.  
 Cummertrees, lands of—122, 167, 253.  
 Cunningham, Sir David—80.  
 Cunningshame, townhouse of—32.  
 Cunynghame, family of—77, 158, 188  
 (*N. 79*).  
 — of Conheith, Cuthbert—140.  
 —, Adam—108.  
 —, Agnes—249.  
 —, Andrew—244, 245, 246, 249.  
 —, Catharine—246.  
 —, Cuthbert—117, 175, 186, 248.  
 —, David—230, 233, 236, 238, 239,  
 241.  
 —, Halbert—186, 244.  
 —, Herbert—108, 172, 175, 186, 235,  
 236, 237, 242, 243, 246, 249, 256.  
 —, Hugh—243.  
 —, James—162, 171, 187, 250, 258.  
 —, John—187, 240, 249, 258.  
 —, Marion—244.  
 —, Robert—172, 175, 248, 249.  
 —, Thomas—230, 233.  
 —, William, bailie—209, 227, 230,  
 231, 235, 259, 271, 272.  
 —, William, son of John—242.  
 Dacre, Lord—209.  
 Dalfibble, lands of—94.  
 Dalgarnock Holmis—106.  
 Dalry, minister of—146.  
 —, parson of—240.  
 Dalscaithwood—85.  
 Dalswinton, lands of—176.  
 Dalton, parson of—139.  
 Dalzell (Dalziell), Sir R. of Glenae—  
 96, 207.  
 — of Fairgirth, John—161.  
 —, Capt. John—159.  
 —, Master Ninian—136.  
 Dergavels (Dargavels)—8, 47, 131,  
 193.  
 Darien Scheme—60, 163.  
 Davidson, Janet—179.  
 —, John—262, 264, 265, 267, 268,  
 269, 270.  
 —, Robert—238.  
 —, William, 267.  
 Davison, Thomas—226.  
 Dempster, Agnes—160.  
 —, Elizabeth—160.  
 —, Isabell—160.  
 —, Mr. John—160.  
 Derby, Earl of—26, 28, 109.  
 Derman—8.  
 Dernington—218.

- Dervorgilla—33, 53, 133, 150, 195, 197.  
 Dickson (Dicksoun), Herbert—110,  
     147, 179, 250.  
     —, Mathew—179, 186, 244, 248.  
     —, Thomas—110.  
 Dinwiddie, Juone de—167.  
 Dinwoddie, Oliver—193.  
 Dirleton, Lord of (Maulaye)—102.  
 Dod, James—88.  
 Dodd, William—213.  
 Dolme, John de la—223.  
 Donaldson, John—166, 169, 213.  
     —, Simon—227.  
     —, William, 232.  
 Dornadilla—See Dervorgilla.  
 Dornagittis, lands of—193.  
 Dougan, John—226.  
 Douglas of Drumlanrig—154.  
     — Elizabeth, Lady Nithsdale  
         —35.  
     —, W. of Nithsdale—100.  
     —, Sir W. of Nithsdale—100.  
     —, James Lord Tonhorwald—197.  
     —, Archibald, Earl of—135, 195.  
     —, James, Earl of—151.  
     — of Kelhead, Sir Charles—131.  
     —, Archibald—261.  
     —, Egidia—100.  
     —, Lord George, 163.  
     —, Sir George—236.  
     —, Heron Bank—161.  
     —, Jean—159, 202.  
     —, Katharine—92.  
     —, Lady Lucy—37.  
     —, Dom. Robert de—173.  
     —, Robert—254.  
     —, Sibylla—162.  
 Dowlarg Wodheid, lands of—182.  
 Drokensford, John de—223.  
 Dornoch, rector of—124, 230.  
 Drumcow (Suthik), lands of—176.  
 Drumganes, lands of—199, 201.  
 Drumlanrig, the Lord—32.  
     —, Marquis of—78.  
 Drumsleit, barony of—198, 247.  
 Dryfesands, battle of—94.  
 Drysdale, lands of—167.  
 Dumbarton, derivation of—100.  
 Dumfries, Acts of Council—4, 83, 164.  
     —, Altar of B.V.M.—137.  
     —, Altar of the Haliblude—138,  
         189, 228, 235.  
     —, Altar of St. Andrew—138.  
     —, Altar of St. Anna—137.  
     —, Altar of St. Gregory—116,  
         137, 158, 230.  
     —, Altar of St. John the Baptist—  
         138.  
     —, Altar of St. Nicolas—137, 158.  
     —, Altar of St. Ninian—138.  
     —, "a Loreburn"—182.  
     —, Archdean's Croft—240.  
 Dumfries Backraw, the—10, 244.  
     — Bailyes, origin of—12.  
     — Bark miln—111.  
     — Barnraws, the—69.  
     — Barnraws, the Back—144.  
     — Barnraws, the East—24, 31, 38.  
     — Barnraws, the West—23.  
     — Barkerland, lands of—56, 225.  
     — Barcarland myres—249.  
     — Bells of—32.  
     — Blackfurd ford—226.  
     —, "Black Saturday"—89.  
     —, Bonnetmaker Trade—174.  
     — Bowling Green, the—25, 33, 34,  
         53.  
     — Braidmyre—180.  
     — Brewery, the—56, 60.  
     — Brick Kilns, the—24.  
     — Bridge, the—22, 24, 66, 84, 89,  
         91, 150 (*N. 47*), 163, 193, 214,  
         224, 233, 256, 259, 260.  
     — Bridge Customs, the—53, 56,  
         108, 151.  
     — Bridge Dues—154.  
     — Bridge Ports—152.  
     — Brigmaster—203, 248.  
     — Brigend—227.  
     —, Brigend Miln—198.  
     — Burgess fees—34, 152.  
     — Burgess Tickets, complimentary  
         —62.  
     — Burgess Roll—4.  
     — Burrow Aikers—56.  
     — Burrow Officers—43, 84, 205.  
     —, Calvert's Vennel—87.  
     —, Cassalands—191.  
     —, Castle of—8, 223.  
     —, Castle Close—143.  
     —, Castle Street—106.  
     —, Castle yard—144.  
     —, Castledykes—25, 81, 91, 107,  
         108, 189, 195, 203.  
     —, Castledykes Moat—106.  
     — Catsrand, the—24.  
     —, Chapel of Castledikis—8, 235.  
     —, Chapel of St. Andrew—183,  
         245.  
     —, Chapel of St. Gregory—125.  
     —, Chapel of St. Lawrence—132.  
     —, Chapel of St. Nicolas—241.  
     —, Chapel of St. Thomas—134.  
     —, Chapel of the Willeis—23, 102,  
         107, 224, 229, 232, 233, 239.  
     —, Chapel of W. Hawisson—226,  
         235.  
     —, Chapel Caul—108.  
     —, Chapelhill, the—21, 57.  
     —, Chapelside, the—116, 231.  
     — Charity School—119.  
     —, Charters of—10, 19, 23, 77, 99.  
     —, Charters of inventared—4, 19.  
     —, Church Crescent—106.

Dumfries, Crystal Chapel, the—10, 31, 85, 111.  
 —, Clerkhill, the—232.  
 —, Coffee house, the—23, 57, 161, (*N. 49*).  
 —, Commissary of—142, 179, 184, 193, 205.  
 —, Conhethbrae lands—191.  
 —, Conhuith (Troqueer)—191.  
 —, Consistorie Chamber—159.  
 —, Constable of—8, 223.  
 —, Convention of Burrows—88.  
 —, Convention of Burrows, Commissioners to—75, (*N. 75*).  
 —, Conveener of Trades—251.  
 —, Corberry Hill, the—20.  
 —, Courts of—70, 86.  
 —, Crafts, The Incorporated—2, 3, 19, 48, 72, 73, 174.  
 —, Crukit Akyr—189, 232, 235.  
 —, Cumin's Holm—See Kingholm.  
 —, Cunynghame Aisle—140.  
 —, Cunynghame Water—108.  
 —, Curate of—118.  
 —, Customs of—App. B, 45, 255.  
 —, Custumar of—12, 117, 261.  
 —, Deadman's hurst—56.  
 —, Dean of Guild—63, 64, 68, 72, 73, 134, 169, 179, 180, 248.  
 —, Derivation of—20, 90, 99.  
 —, Dock, the—24, 56, 81.  
 —, Dovecote croft, the—81.  
 —, Duchrae's Water—108.  
 —, Dyer's Trade—173.  
 —, Ecclesiastical lands—137, 183, 199.  
 —, Election (1622)—72, 75, 171.  
 —, Election (1686)—163, 250.  
 —, Excise on Ale—40, 49, 50.  
 —, Fairs in—247.  
 —, Fish Cross, the—10, 21, 31, 117, 162, 166.  
 —, Fires in—44, 80, 87, 205, 208, (*N. 92*).  
 —, Fleshers, mob of (1706-7)—48.  
 —, Flesh mercat, the—23, 77.  
 —, Fleischstokis, the—249.  
 —, Franciscan cemetery—35, 235.  
 —, Franciscan Kirk—141, 241.  
 —, Franciscan Monastery—25, 31, 33, 35, 36, 48, 52, 53, 118, 132, 141, 147, 150, 168, 210.  
 —, Friarhauch—189.  
 —, Friar lands—4.  
 —, Friars mails—152.  
 —, Friars Minor—107, 179, 183, 190, 194, 199.  
 —, Friars Vennel, the—23, 33, 53, 85, 87, 88, 106, 214, 234.  
 —, Friars Yard—141, 146.  
 —, Frisians at—13.  
 —, Galloway gait, the—233, 234.

Dumfries, Gallowrig—179.  
 —, Gibbie's Close—146.  
 —, Glovers Trade—173.  
 —, Gaoler, the—43, 213.  
 —, Golf in—106.  
 —, Greenbrae—206.  
 —, Greensands, the—22, 24, 57, 85, 108, 166.  
 —, Greneham—134.  
 —, Greyfriars Church—144.  
 —, Hairstanes Close—58.  
 —, Harbour—49, 51.  
 —, Haugh lands—57, 144.  
 —, Hermitage of St. Laurence—126, 132.  
 —, High Haugh, the—85.  
 —, Hoill acre—179, 235.  
 —, Horse Course, the—See Stoupe.  
 —, Horse Miln—See Breweries.  
 —, Horse Racing—85, 206.  
 —, Howesoun's Rent—139, 237, 240.  
 —, Isle Steppes, lands of—147.  
 —, Kelton Spring—226.  
 —, Kelton's Ludgeing—120.  
 —, Kerwyn Terrace, 106.  
 —, Kingholm, 24, 106.  
 —, Kirk, the old—See St. Michael's.  
 —, Kirk bell—120.  
 —, Kirkgate, the—24, 239.  
 —, Kirklands—139.  
 —, Kirkland Moat, the—20, 101.  
 —, Kirkmaster—239.  
 —, Kirk plate—136.  
 —, Kirksession, the—119, 173.  
 —, Kirkstreit—209.  
 —, Kirkstyle, the—119.  
 —, Kirkyard—90.  
 —, Knights Hospitallers in—7.  
 —, —, Warden of—See Friar Lindesee.  
 —, "Lady Place"—137.  
 —, Langholme—226.  
 —, Lanerk's Close—See Hairstanes.  
 —, Langlands, the—85.  
 —, Laripotts, the—104, 183.  
 —, Liggzet Slappe—239.  
 —, Lochend, the—85.  
 —, Lochmabengate, the—22, 31, 88, 116, 120, 138, 182, 232, 238, 240, 245.  
 —, Lochmabengate Port, the—24, 31, 84, 116, 120, 237.  
 —, Lordburn, lands of—108, 189, 229, 232, 243, 246.  
 —, Macbrair Aisle—140.  
 —, Magasine of—148.  
 —, Mains, lands of—199.  
 —, Maltster Trade—74, 174.  
 —, Markets, the—9, 24, 43, 63, 65, 169.

Dumfries Market Cross—9, 20, 21, 23, 38, 44, 55, 60, 85, 149, 162, 241.  
 —. Mass in—87, 192.  
 —. May Plays in—34, 141, 182.  
 —. Meal Mercat, the—56, 65, 81.  
 —. Meeting House in—38.  
 —. Middlebie's water—108.  
 —. Midraw, the—23, 160, 161, 229, 231, 249.  
 —. Midsteep, the—23, 32, 45, 47, 62, 162, 168.  
 —. Mills of—4, 29, 56, 57, 80.  
 —. Millburn, the—8, 9, 104, 233, 239.  
 —. Millburn Bridge, the—23, 120.  
 —. Milldam, the—110, 232.  
 —. Mildamhead—29, 56, 103, 111.  
 —. Millgait—138, 236, 240.  
 —. Millhole, the—239, 240.  
 —. Milnhead—47.  
 —. Milnhole Mill—24, 29, 80, 88, 110, 199.  
 —. Millerlands—183.  
 —. Moat hill, the—21, 22, 23, 24.  
 —. Moatlands, the—85, 88, 100, 106, 241.  
 —. Moatlands, ecclesiastical—101.  
 —. Monastic lands in—7.  
 —. Mortifications—41.  
 —. Netherwood, Nether—226.  
 —. Netherwood, Over—226.  
 —. New Kirk, the—33, 48, 51, 53, 85, 144, 164.  
 —. Newtown—181, 189, 233.  
 —. Newark, the—9, 55, 59, 138, 158, 229, 231, 241.  
 —. Nunland—104.  
 —. Officers, the—63.  
 —. Officers' salaries—63, 164, 256.  
 —. Outfield viccarie, the—139.  
 —. Overseer—64, 165.  
 —. Parish clerk—138.  
 —. Parliament at—23, 102.  
 —. Parliament, Commissioners to—75, 175.  
 —. Picture of (1593)—7.  
 —. Pikit Cross—232.  
 —. Pit, the—43.  
 —. Plague in—211.  
 —. Plattercroft—193.  
 —. Pledge Chamber—148.  
 —. Pledge House, the—See Prison  
 —. Pinfallburn, the—108.  
 —. Port, Knights of the—40, 109.  
 —. Ports of—10, 21, 23, 24.  
 —. Powsonce, the—107.  
 —. Presbytery of—42.  
 —. Prison, the—43, 48, 147, 148, 164, 168, 201, 213, 243.  
 —. Provosts of—11, 152, 159, 160, 163, 177, 186, 190, 204, 211, 215, 270, 271.

Dumfries Quarrelcroft—193.  
 —. Quarries—29, 56, 62, 67, 168  
 —. Queensberry Square—161.  
 —. Russell Dub—120, 238.  
 —. Rottenraw, the—9, 228.  
 —. Rawling's (John) Close—137.  
 —. Revenues of—56, 63, 79, 164, 255.  
 —. Riding of the Marches, the—85.  
 —. Rig's Chapel—See Chapel of the Willeis.  
 —. Rising in (1568)—87, 207.  
 —. Roodfair, the—65, 213.  
 —. Roma's Close—32.  
 —. Rude House, the—138.  
 —. Ruid Service—240.  
 —. Ruinous buildings—76, 188.  
 —. Ryallscroft—199.  
 —. St. Andrew's Street—106.  
 —. St. Blaas's Church—134.  
 —. St. Grigor's Place—137.  
 —. St. Ninian's Service—238.  
 —. St. Mary's churchyard—119.  
 —. St. Michael's Kirk, 20, 22, 23, 34, 47, 57, 77, 82, 133, 134, (N. 34), 152.  
 —. St. Michael's, burials in—139.  
 —. St. Michael's Cemetery—2, 7.  
 —. St. Michael's, disturbances in—140.  
 —. St. Michael's, minister of—146.  
 —. St. Michael's, reader of—139, 159.  
 —. St. Michael's, stipend of—47.  
 —. St. Michael's, Taylors loft, the—34.  
 —. Salmon fishings, the—25, 107.  
 —. Sandbeds, the—69.  
 —. Sandbedmylne—137, 259.  
 —. Scabbed Isle—56.  
 —. School, the—85, 183.  
 —. Schoolhouse, the—21, 57.  
 —. Schoolmaster, the—65, 147.  
 —. Seal of—12, 186, 204.  
 —. Sett of—72, 74.  
 —. Sheriff of—121.  
 —. Sheriff clerk—190, 193.  
 —. Sheriff depute—122, 190, 201, 202.  
 —. Sheriff's gloves—66, 166.  
 —. Sheriff's Green—239.  
 —. Shipping—24.  
 —. Shoemakers' Trade—173.  
 —. Silver Gun, the—85.  
 —. Silver Muck bell—85, 206.  
 —. Sinclair's Vennell—106, 239.  
 —. Smuggling—26 *et sequa*, 109, 110, 253.  
 —. Snuff mill—111.  
 —. Sowtergait, 23, 193, 232.  
 —. Spittlefields, lands of—8, 199.

- Dumfries, Stinkfurde—227.  
 —, Stinking Vennel—102, 104.  
 —, Stoupe, the—30, 85, 206.  
 —, Straithfurde—141.  
 —, Temple lands—145, 146.  
 —, Thatched roofs—61, 164.  
 —, Thieve's Hole—43.  
 —, Tolbooth, the—9, 32, 43, 44, 147, 148, 158, 161, 162, 171, 182, 186, 240, 242, 246, 252.  
 —, Townhead, the—22, 23, 69, 84, 88, 238.  
 —, Townhead hill—See Moat hill.  
 —, Townhead Port—106, 236, 246, 257.  
 —, Townhead Street—106.  
 —, Town Clerks—3, 4, 70, 71, 77, 148, 156, 162, 163, 170, 172, 186, 189, 192, 204, 271.  
 —, Town Clerk's Chambers—43.  
 —, Town Hall, fire at—4.  
 —, Trades tenement—160.  
 —, Treasurer of—63, 64, 190, 244, 248, 249.  
 —, University in—39.  
 —, Vennel leading to the Nith—225.  
 —, Vicars of—181, 195 (*N.* 34).  
 —, Vicarage lands—120.  
 —, Wages in—69, 169.  
 —, Waulk Miln—111.  
 —, Waulker Trade, the—74, 174.  
 —, Walls of—10.  
 —, Wells in—65, 165.  
 —, Wetslakis, lands of—199.  
 —, Whitesands, the—24.  
 —, Willie Pule—107.  
 —, Wolfgill—131.  
 —, Yairdheids, the—139, 232.  
 —, Yellowhair Furd—107.
- Dumfries (Crichton), the Lord—32, 103.  
 —, Mag. John de—177.  
 —, John of—175, 177.
- Dumfriesshire, British tribes in—20.
- Dunbredan, Robert—219.
- Dunbar, Patrick de, Earl of March—23, 102.
- Duncoll, lands of—202.  
 —, William de—175, 176.
- Dundee, Convent at—150.
- Dundrennan, Galfrid, abbot of—219.
- Dunegal of Stranith—134, 217.
- Dunfermline Abbey—105.
- Dungalsoun, Roger—240.
- Dunkowe, Schir William—177.
- Dunreggane, lands of—104.
- Dunskey, Place of—196.
- Duns Scotus—33, 133.
- Durand, John—225, 227.
- Durandus, the Official—219.
- Durham, Richard, bishop of—112.
- Dursquhen, lands of—198.
- East Linton (Yorks.)—114.
- Eden, the river—30.
- Edgar (Edzer, Edzar) of Elshieshields, Theodore—2, 15, 97.  
 — of Laghall, Thomas—50, 213.  
 —, Agnes—1.  
 —, Clement—244.  
 —, Edward—204, 261, 265, 266, 267, 269, 270.  
 —, Helen—246.  
 —, Henrietta—2.  
 —, Isobel—204.  
 —, James—262, 263, 264, 266, 267.  
 —, John—1, 158, 225, 226, 241, 270.  
 —, Dom. John—104, 183.  
 —, Joseph—1.  
 —, Margaret—1, 2.  
 —, Marion—2.  
 —, Martin—237.  
 —, Mary—1.  
 —, Patrick—236, 239.  
 —, Robert—1, 15, 97, 144, 163, 234, 244, 248.  
 —, William—1, 149, 242, 261, 265, 267, 268, 269, 270.
- Edinburgh—68.  
 —, the Castle—22, 118.  
 —, Market Cross—200.  
 —, old Kirk of—38.  
 —, Tolbooth of—147, 172, 192.
- Elidun of Glengae, John—107.
- Ellame, Alexander—250.
- Elshieshields, lands of—2, 91.
- Elwands, William—238.
- Emma, mother of Alan—134.
- Enerlethane, vicar of—195.
- Erskine, Robert Lord—178.  
 — of Barjarg, Charles—144.
- Ervinus—217.
- Esby, lands of—2, 92.
- Esk, the river—30.
- Eskdale, five Kirks of—205.
- Ewart, bailie—79.  
 —, provost—98.  
 —, John—261.  
 —, Patrick—95.
- Eyrnmannach, lands of—189.
- Falconer, Sir Alexander—194.
- Farkar, William—227.
- Felton, Robert de—115.
- Fergus, son of Mathew—197.  
 —, Lord of Galloway—218.
- Ferguson (Fergusson), Andro—8.  
 —, Duncan—8.  
 —, Patrick—8.  
 —, Thomas—147.
- Fergusson of Craigdarrach, Dame Elizabeth—226.  
 — of Craigdarrach, Thomas—226.

- Fergusson, John—117.  
   —, Lare—239.  
   —, Sarah—162.  
   —, William—110.  
 Fingass, William—175, 187, 214, 251.  
 Finlai, Thomas—169, 226.  
 Fischere, Herbert—232.  
 Fleming of Biggar, Malcolm—176.  
   —, Leonard—206.  
   —, R. le—221.  
 Forrest, Thomas—169.  
 Forrester, John—232.  
 Forestar, Mariota—245.  
 Forsyth, James—140.  
 Foullarton, lands of—121.  
 Fraser, Simon—102.  
 Frude (Fruid), James—246, 266, 267,  
   268, 269, 270.  
   —, John—243, 244.  
   —, Mr. John—117.  
   —, Thomas—244.  
   —, William—140.  
 Gaitgilmakkilwernock (Borgue)—195.  
 Galloway, Christian, bishop of—218.  
   —, Robert, Archdeacon of—219.  
   —, Allan, Lord of—33, 53.  
   —, Lordship of—151, 188.  
   —, Huchown—103.  
   —, early laws of—101.  
 Gamalsby, lands of—114.  
 Garlies, Lord—154.  
 Garnsalloch—8.  
 Geargun, Michael—222.  
 Geddes of Barnbaughle, John—74.  
   — of Barnbaughle, Ladie—174.  
   — of Glengotho, James—117.  
   —, Alexander—205.  
   —, Sir William—133.  
   —, William, dyer—173.  
 Geddys, Thomas—267.  
 Gelstoun, laird of—247.  
 General Assembly, the—17.  
 Gib, William—237.  
 Gibson, Adam—261, 262, 263, 264,  
   267.  
   —, D.—77.  
   —, Elizabeth—161.  
   —, James—160.  
   —, Robert—77.  
 Gibbsoun, John—171, 227, 248, 249.  
 Gilchristus, son of Ervinus—217.  
   —, —217.  
 Gilchrist, John, treasurer—82.  
 Gilhagy, Schir Thomas de—225, 227.  
 Gillespie, family of—76.  
   —, John—242.  
 Glaisters, lands of—183.  
 Glasgow, Gavin, Archbishop of—118.  
   —, Jocelin, bishop of—7.  
   —, Walter, bishop of—134, 200.  
 Glasgow Cathedral—118.  
   —, Official of—135.  
 Glassen, John—265, 268, 269.  
   —, Thomas—261, 262, 263, 264, 265,  
   266, 267, 268, 269, 270.  
 Gledstanes, John, physician—139.  
   —, lands of—124.  
 Gledstanis of Craigs, townhouse of—  
   32.  
   —, family of—124 (*N.* 30).  
   —, Alexander—32.  
   —, Bessie—103.  
   —, Herbert, burgess of Kirkcud-  
   bright—9.  
   —, Herbert—138, 239.  
   —, Schir Herbert—137.  
   —, Mag. Herbert—137, 230, 249.  
   —, Schir James—138, 241.  
   —, John—120, 138, 171, 179.  
   —, Marc—120, 138.  
   —, Thomas—138.  
   —, William, burgess—9, 119, 186.  
 Glen, Alexander—204.  
 Glencaple, lands of—108.  
 Glencorss, Homer—107.  
 Glencorse, Steven—142.  
 Glendining of Parton, Ninian—189.  
 Glengae, lands of—107.  
 Glenken, lands of—176.  
 Glenriddell MSS.—91.  
 Glessel, John—263, 264, 266.  
 Glover (Gluuer), Adam—226.  
   —, James—236, 240.  
   —, John—236.  
   —, Robert—225.  
   —, William—236.  
 Goldie, Alexander, writer—4.  
   —, John, Commissary, of Craigmue  
   —6, 133.  
   —, Thomas of Craigmue—2, 6.  
   —, MSS.—100.  
 Goldsmycht of Chapell, John—198.  
 Goldsmyth, Michael—226.  
 Gordon of Castletown, Nathaniel—  
   161.  
   — of Lochinvar, James—196, 198.  
   — of Lochinvar, Sir R.—196, 206.  
   —, Adam de—195.  
   —, Mr. Alexander—87.  
   —, James—See Janet Reul.  
   —, John—202.  
   —, Roger in Haedland—240.  
   —, Roger—186.  
 Graham, family of—77.  
   — of Ingleston, William—159.  
   —, Reynold, of London—56, 159.  
   —, William—56, 61.  
   —, William, his son—56.  
 Grahame, Robert—159, 187, 202.  
 Gray, Andrew—131.  
   —, Thomas de—115.

- Greir of Lag, Sir William—172.  
 — of Lag, Sir William—154.  
 —, Cuthbert—171.  
 —, Dom. John—137.  
 —, Lawrence—193.
- Greirson, of Dalgonar, James—204.  
 — of Halidayhill, Cuthbert—201.  
 — of Lag, John—198.  
 — of Lag, Robert—214.  
 — of Lag, Roger—106.  
 — of Lag, William—214.  
 —, Agnes—198, 200.  
 —, John, dyer—110.  
 —, Marion—2, 97.  
 —, Robert—199.
- Greirsone, Andrew—214.  
 Greirsoun, Robert—242.
- Grersone of Kirkbridryg, Gilbert—  
 227.  
 —, Annabell—177.  
 —, Gilbert—227.  
 —, Vedast—227.
- Greyson, John—240.
- Greskine, land of—92.
- Gretna—218.  
 —, Kirk of—137.
- Grey, Walter—240.
- Grindergret, family—7.  
 —, Alicia de—222.  
 —, John—222.  
 —, Roger—220.  
 —, William de—222.
- Grose, Capt.—111.
- Guisbro', canons of—112.
- Guthrie, Robert—214.
- Hairstones of Craigs, family of—32,  
 47, 123 (*N.* 30), 130.  
 — of Craigs, Mathew—201.  
 — of Craigs, townhouse of—32.  
 —, Elizabeth—9.  
 —, Janet—9.  
 —, James—9, 243.  
 —, John—9, 239, 271.  
 —, Katharine, wife of John Maxwell—9.  
 —, Marion—9.  
 —, Mathew—32.  
 —, Thomas—9, 240.
- Haliday (Halieday, Halyday), family  
 of—182 (*N.* 74).  
 —, John, 107, 138, 175, 243, 245.  
 —, Nicolas—226, 232.  
 —, Thomas—226.  
 —, William—229.
- Halieday, Mr. James—175.
- Halyday, James—243.
- Hamilton, Duke of—78.  
 —, Marquis of—89.  
 —, John Lord—94.
- Hamilton of Ellerschaw, John—94.  
 — of Finnart, Sir James—124.  
 —, (Hamyltoun), Christiane—238.  
 —, Edward—191.  
 —, James—171.  
 —, Mungo—179.  
 —, Robert de—226.  
 —, Castle—199.
- Hanyng, Janet—190.  
 —, Thomas—248.
- Harkhauch, lands of—142.
- Harley, James, wright—165.
- Hart, Mr. William—245.
- Hartepool, Geoffrey de—114.
- Hartfell, Lord—185.
- Harvard University—147.  
 —, Rev. John—147.
- Harword—See Harvard—41.
- Hawisson, William—226, 235.
- Hay, Elizabeth—184.
- Haya (Haia), John de—218.
- Haya, William de, pincerna—219.
- Hend, Mag James—136.
- Henderson, Mr. Hugh, minister—38,  
 146.  
 —, Mr. Robert—160.  
 —, Rosina—146.  
 —, Herbert, 247.
- Henrisoun, Henry—247.
- Henry of Dumfries—134.
- Hepburne, Mr. John—49, 240.
- Hepburn, Margaret—126.
- Herbert of . . . burgess—226.
- Hering of Glascune, Andrew—184.
- Heriot, Mag. James—136.
- Heron of Heron, Patrick—160.
- Heroun, John—229.
- Herreis (Heres), Lord—154.
- Herries (Heres), William Lord—137,  
 200, 248, 249.  
 — of Butts, John—81, 163, 170.  
 — of Mabie—182.  
 — of Madinape, George—176.  
 — of Terreglis, Sir William, town-  
 house of—32.  
 —, Archibald—88, 212, 241.  
 —, Sir David—182.  
 —, Margaret—192.  
 —, Matilda de—167.  
 —, Schir William—199.
- Heyton, John de—8.
- Hill, Eister—200.  
 —, Robert—117.
- Hillis, lands of—104.
- Hinderwell (Yorks.)—112.
- Hirewine, R. de—217.
- Hodalm, Odard de—113.  
 —, Christiana de—113.  
 —, Hudardus de—219.
- Hoddam, John—94.  
 —, Castle—120.



- Hogson (Hudgeoun), Gavin—179, 266, 267.  
 Hoip (Houp), Elizabeth—106.  
 —, William—268, 269, 270.  
 Holm Cultram, Everardus, Abbot of—219.  
 —, Robert, Prior of—219.  
 —, Register—6.  
 —, Abbey—7, 220.  
 Holmis of Nith, lands of—106.  
 Holworthy, Mathew—147.  
 Holywood Abbey—175, 178, 195, 196.  
 Hoppa, Janet—105.  
 Hopper, William—267.  
 Horne, Thomas—265, 266, 267.  
 Horse-racing—206.  
 Houthat, lands of—173.  
 How, John—232.  
 Howard's Regiment, Lord—185.  
 Howchane (Heuchane, Hochane), Andrew—245, 248.  
 —, Christopher, 237.  
 —, John—232.  
 —, Mungo—245.  
 Howis, lands of—92.  
 Huddred—219.  
 Hugo, Maj. John—136.  
 —, son of Norman—220.  
 Hunter, Andro—209.  
 Hunter, Arundell, W. F. H. of Barjarg—6.  
 Huntingdon, David, Earl of—53.  
 —, Margaret, his daughter—53.  
 Hutton, rector of—197, 235.  
 Hutton, MSS.—6, 116.  
 Hynd, John—160.  
 Inglis, Mr. H. R. S.—157.  
 Ireby, Christiana de—113.  
 —, William de—113.  
 Irvine—149, 152.  
 Irving, family of—77, 217.  
 — of Bonshaw—197.  
 — of Friars Carse, John—163.  
 — of Logan, John—160.  
 — of Redkirk, townhouse of—32.  
 Irving, J., Lady Terrauchtie—79.  
 —, Agnes—160, 162.  
 —, Cuthbert—268, 269, 270.  
 —, Francis—72, 73, 171, 175, 179, 180, 186, 197, 248, 249.  
 —, Mr. Francis—146.  
 —, Mr. Francis—See Kirkmahoe.  
 —, George—180.  
 —, Herbert—180.  
 —, John—58, 88, 101, 139, 175, 180, 182, 185, 187, 243, 251, 270.  
 —, John, "claret,"—59.  
 —, Mr. John—180.  
 —, John, tutor of Bonshaw—96.  
 —, Margaret—163.  
 Irving, Stephen—160, 187.  
 —, William 180, 182, 214, 244, 248.  
 —, See Ervinus—217.  
 Isles, John, Bishop of the—198.  
 Jarding, Ninian—236.  
 Jardyng, Margaret—125.  
 Jargon, William (1304)—12.  
 Jedburgh, Justice Court at—172.  
 Joce of York—112.  
 Joceline, Bishop of Glasgow—218.  
 Joffrasoun, Schir Donald—232.  
 John of . . . burgess—226.  
 John, the Archdeacon—219.  
 Johnston, Dean—80.  
 —, Dr.'s, Mortification—80.  
 —, Dr. Arthur—34, 133.  
 —, Col. William—133.  
 —, John—99, 110, 175, 177, 206, 247, 249, 261, 266, 267, 268, 269, 270.  
 Johnstone, family of—77.  
 — of Bearholm, William—253.  
 — of Broomhill—94.  
 — of Carnsalloch, Robert—179.  
 — of Cragoburn—93.  
 — of Dunskenly, Sir J.—94.  
 — of Elshieshields, Alexander—2, 163.  
 — of Gretna, William—123.  
 — of that ilk, John—179, 196.  
 — of Newby, Robert—95.  
 — of Westraw, John—193.  
 — in Nunholm, John—151.  
 —, Edward—151, 262, 267.  
 —, James—110, 186.  
 —, Margaret—2.  
 —, Marion—2.  
 —, Robert—175, 183, 187.  
 —, Simon—247.  
 —, Thomas—246.  
 Kars, tithes of—134.  
 Keire, Brice—134.  
 Kellock (Killok, Killoch), Elizabeth—139, 147.  
 —, Hew—267.  
 —, James, vintner—161, 238, 243.  
 —, Margaret—162.  
 —, William—237, 239, 240.  
 Kelso Abbey—132, 134.  
 Kelton, lands of—226.  
 — Well—86, 226.  
 Kelton's Ludgeing—120.  
 Keltonthorn, haven of—25.  
 Kelwood burn—132.  
 —, lands of—32, 84, 121.  
 Kelwode, barony of—122.  
 —, Mosside of—131.  
 Kempleton, lands of—131.  
 Kenmure, charter chest—6.

- Kennan, Adam—147.  
   —, James—67, 78, 175, 187.  
   —, John—160.  
   —, Richard—179.  
 Kennedy, Schir John—118.  
 Kent, Adam—9.  
   —, Agnes, wife of John Hairstanes—9.  
   —, Agnes, wife of William Gledstanis—9.  
   —, Schir Robert—9.  
 Kid (Kyd), John—179.  
   —, Thomas—246.  
 Kildrummy Castle—178.  
 Kilehaggs, John, treasurer—82.  
 Killock (See Kellock).  
 Killwhanady, owners of—32.  
 Kilmarnoch—176.  
 Kilmurheid, lands of—180.  
 Kilton (Kelton), vicar of—240.  
 King Charles I.—36.  
   — Charles II.—37.  
   — David I.—23.  
   — David II.—176.  
   — Edward I.—8, 87, 102, 223.  
   — James II.—37.  
   — James III.—176.  
   — James VI.—35, 58, 68, 72, 76.  
   — James VII.—16, 58, 164.  
   —, John Baliol—33, 53.  
   — Philip of France—23.  
   — Robert the Bruce—25, 31, 33, 121, 168, 176.  
   — Robert II.—100.  
   — Robert III.—10.  
   — William the Lion—7, 11, 134, 217.  
   — William of Orange—16, 45, 61.  
 Kingholm, lands of—8, 56.  
 Kirkandrews, parson of—195.  
 Kirkbean, manse of—198.  
   — minister of—162.  
   — parish of—69.  
   —, teind sheaves—198.  
   —, vicar of—151, 158.  
 Kirkcudbright—28, 53, 184.  
   —, fermes of—209.  
   —, invasion of (1587)—207.  
   —, Martin, parson of—219.  
 Kirkgill, lands of—193.  
 Kirkmahoe, minister of—38, 147.  
   —, prebend of—135.  
 Kirkmichael, barony of—193.  
 Kirkpatrick, family of—77.  
   — of Carse, Roger—72, 73.  
   — of Closeburn, Sir Th.—69, 154.  
   — of Kirkmichael, Alexander—94.  
   — of Kirkmichael, Sir A.—92, 95.  
   — of Kirkmichael, William—193.  
   —, Daniel—171, 259.  
   —, Helen—246.  
   —, Isabel—173, 179.  
 Kirkpatrick, James—142, 244.  
   —, Janet—142.  
   —, John—242, 243, 262, 263, 264, 265.  
   —, Katharine—92.  
   —, Maud de—167.  
   —, Roger—33, 182, 248, 249.  
   —, Irongray, lands of—159, 202.  
   —, Irongray, parson of—136.  
 Kirkschaw, lands of—190.  
 Knowis, Richard—193.  
 Knox, Mr. John in Dumfries—87.  
 Knycht, Katharine—239.  
 Knychtis, Schir Archibald—239.  
 Kolhen—See Colvend.  
 Kulenbath (Conheath), lands of—217.  
 Lacressuner, William de—219.  
 Lag, laird of—252.  
 Lag's Lodging—32, 88, 89, 214.  
 Lag's Water—101.  
 Laggan, lands of—104.  
 Laing, Walter—2.  
 Lanercost Abbey—7, 222.  
   —, Robert de Westmerland de—222.  
 Lang, John le—177.  
   —, Thomas—175, 177.  
 Lanrick of Terrery, John—66, 107, 170.  
 Lasceles, Thomas de—113.  
 Latimer, William de—114.  
 Law, Mr. George—179.  
 Lauderdale, Earl of—193.  
 Lawdir, Isabella—227.  
 Lawder, Schir John—242.  
 Lawrence, the clerk—134.  
 Lawrie, Alexander—157.  
   —, Janet—272.  
   —, Stephen—187, 257.  
 Lawson, Hugh—162.  
   —, John—237.  
   —, William—238.  
 Lawsone, Sym—262.  
 Leggadeswde, lands of—219.  
 Lennox, Donald, Earl of—195.  
   — of Cale, William—198.  
 Lestelinus, in Dumfries (1290)—220.  
 Levi of York—112.  
 Levingstone, Margery de—114.  
   —, Richard de—114.  
 Levinstoun, Elizabeth—126.  
 Liberton, Lordship of—124.  
 Lincluden College—1, 22, 53, 59, 175.  
   —, prebendary of—104, 181, 183, 191, 242.  
   —, Waters of—107.  
 Lindese, Friar Ralph de—8.  
 Lindsie, William de—218.  
 Lindsay of Barcloy, James—104, 246.  
   — of Barcloy, townhouse of—32.  
   —, James (1305)—33.  
   —, Rosina—1.

- Linlithgow—176, 195.  
 Litstar, John—227.  
 Liverpool, Castle of—52, 149.  
 Lytill, John—246.  
 Loch Doon—114.  
 Lochermoss, the—21, 30, 80, 100, 125.  
 Lochleven Castle—207.  
 Lochmaben—91, 94, 96, 118, 153, 184, 210.  
   —, Castle, Keeper of—135.  
   —, Kirk of—178.  
   —, rector of—183.  
   —, Stephen de—222.  
 Lochrutton, Kirk lands of—104.  
   —, teinds of—198.  
 Lochwinnoch, church of—124.  
 Lockhart of Carnwath, Mr.—207.  
   — (Lockard), James—57, 164,  
   —, Thomas—57.  
   —, William—114.  
 Logan of Sheriffbrae, Mr. John—193.  
   —, John—245.  
 Logane, Schir John—233.  
 Lohlan, son of Huddred—219.  
 Loker, Henry—220.  
 Lokesmyth, Henry le—221.  
   —, Robert—134.  
 Lorane, . . . —226.  
 Lorimer, John—229, 230, 231, 232, 233, 239.  
 Lourie—See Lawrie.  
 Lowthian, Richard—108, 162.  
 Luce, rector of—233.  
 Luggespick, Robert—222.  
 Lutton, Thomas de—113.  
  
 McAddam, George—206.  
 Macbrair of Almagill, Robert—107, 110, 127.  
   — of Netherwood—47, 81, 163.  
   — of Netherwood, Alexander—25.  
   — of Netherwood, Robert—25, 35, 106.  
   — of Netherwood, townhouse of—32.  
   —, family of—77 (*N. 83*), 197.  
   —, Alexander—140.  
   —, Archibald—9, 107, 158, 159, 175, 179, 186, 241, 243.  
 McBair, M. Cuthbert—225.  
   —, David—146, 159.  
   —, Schir Herbert—241, 242.  
   —, Herbert—225, 232.  
   —, James, chaplain—231.  
   —, John—107, 110, 186, 225.  
   —, Nicolas—175.  
   —, Patrick—175.  
   —, Robert—162, 175, 225, 226.  
   —, Thomas, chaplain—159, 230, 231.  
   —, Thomas—1, 159, 179, 190, 193.  
  
 McBrwin, Andrew—242, 243.  
 McBurnie (McByrnyne, McByrn), family of—7, 203 (*N. 84*).  
   —, Cuthbert—231.  
   —, Thomas—175, 187, 228, 250.  
 Macartney, Helen—247.  
 McChron, George—84, 205.  
   —, Thomas—117.  
 McClarnis, John—240.  
 McCleish, John—162.  
 McCiente, William—236.  
 McCowill, John—237.  
 McCrery, Thomas—225.  
 McCullochs of Kirkmabreck—151.  
 McCulloch, John, serjeand—237.  
 Macdonald, Mary—213.  
 McDowall of Logan, John—36, 52, 77, 144.  
   —, William—5.  
 McDowell of Spottis, James—183.  
 McGeorge, Janet—161.  
   —, Robert—161.  
 MacGilblaan, Gilcomgal—217.  
 McGill, Mr. James—236.  
 McGown (McGowan), Alexander—44.  
   —, James—72, 171, 190.  
   —, Mr. John—44.  
   —, Margaret—44.  
   —, Sande—149.  
   —, Thomas—44, 149.  
 McGowne, William—171.  
 McGray, Thomas—225.  
 McHadis, Thomas—238.  
 Machterna, Cornelius de—181.  
 McIldef, Gilbert—226, 227.  
 McIlhauch (McGilhauch), Finlai—225, 226.  
   —, Schir Finlay—232.  
   —, John, clerk—226, 227.  
   —, Dom, John—226.  
   —, Malcolm—226.  
 McIlmeyne, John—227.  
 McKelle, Thomas—196.  
 Mackenzie of Auchenskeoch, Col.—131.  
   —, John, clerk—4.  
 McKie, Alexander, surgeon—160.  
   — (Makke), John—135.  
 McKill, John—77.  
 McKinnell (McKynnell), family of—77, 194.  
   —, John—171, 172, 228, 249.  
   —, Malcolm, serjeand—249.  
   —, Robert—117, 179, 238, 242, 243, 246.  
   —, Thomas—169.  
   —, William—246.  
 McKinnon—See McKinnell.  
 McKitterick, William—160.  
 McMannande, Cuthbert—235.  
 McMaster, John—245.  
 McMath, David—117.  
   —, Thomas—228.

- McMillane, Thomas—171, 190.  
 McMolland—See McMillane.  
 McNaught (McKnaught), Mr.—82.  
   —, John—147.  
 McNeill, James—131.  
 McQuhat, Cuthbert—228.  
 Macruith, Gilbert—138.  
   —, Richard—138.  
 McWhan, Gilbert—72, 73.  
 McWhinnie, Basil—162.  
 Maitland, Mr. James—160.  
   —, Johanna—160.  
   —, William—17, 98, 111, 133.  
 Makany, David—229.  
 McClelane, Gilbert—103.  
 McClellan, Patrick—247.  
 McClellane of Bombie, Thomas—196.  
   — of Gelstoun, Sir Th.—190.  
 Makcristin, John—229, 232.  
 Makcubyng, John—242.  
 Makcurre, John—243.  
 Makgee (Makghie, Mcgey), David,  
   commissary clerk—117, 139, 241.  
   —, Schir David—138, 230.  
   —, Gilbert—195.  
   —, Janet—123.  
   —, John—117, 249.  
 Makhome, Mr. John—231.  
   —, Thomas—227, 232.  
 Makilreve, John—8.  
 Makinnane, Thomas—137.  
 Makjore of Inglistoun, William—1.  
 Makmannide, Nicolas—236.  
 Makmyynes (McMennis), Thomas—  
   186, 242, 243.  
 Makquhirk, David—230.  
   —, Thomas—230.  
 Makwir, William—248.  
 Malcolm, Archibald—4.  
   —, "pincerna"—218.  
 Man, Isle of—26, 109.  
 Manton', Radulphus de—223.  
 Marchell, John—117, 179, 186, 242,  
   243, 244, 248, 249, 256.  
 Marescallus, M.—218.  
 Martin, the clerk—134.  
   —, Nicholl—242, 243.  
 Martinson, Alexander—225.  
 Martyne, John—241.  
 Marwhirn, lands of—191.  
 Maryholm, lands of—53.  
 Masculus, Roger—8.  
 Mathew, father of Fergus—197.  
   —, the Dean—219.  
 Maulaye, Robert de—102.  
 Maxton, lands of—95.  
 Maxwell, Earl of Morton—123, 127,  
   142, 177.  
   —, Lord—87, 141.  
   —, John, Lord—36, 130, 142, 144.  
   —, Robert Lord—101, 141, 177, 178,  
   241.  
 Maxwell, Master of—93.  
   —, John, Master of—210.  
   —, Lady Mary—143.  
   — of Barncleuch, James—97, 163.  
   — of Barncleuch, John—37, 58, 59,  
   62, 76, 78, 81, 108, 162 (*N. 51*),  
   164, 170, 187, 203, 251, 252.  
   — of Carlaverock, Robert—130.  
   — of Carnsalloch—198.  
   — of Carnsalloch, Robert—162.  
   — of Carnsalloch, William—184.  
   — of Conheath, John—117, 127,  
   172, 241.  
   — of Conheath, Robert—101, 241.  
   — of Conheath, townhouse of—4,  
   32.  
   — of Cowhill, John—241.  
   — of Cowhill, Robert—177.  
   — of Dinwiddie—154.  
   — of Dinwiddie, Robert—127.  
   — of Drumcoltrane, Edward—241.  
   — of Glenlarc, Major James—161.  
   — of Gribton, Sir William—75,  
   137, 172.  
   — of Gribton, John—137.  
   — of Gribton, townhouse of—32.  
   — of Hillis, Edward—196, 212.  
   — of Hillis, John—104, 241.  
   — of Keltoun, John—127.  
   — of Kelton, Robert—117.  
   —, (callit of Kelton), Thomas—171.  
   — of Kelton, townhouse of—32.  
   — of Kirkconnel—37, 58.  
   — of Kirkconnel, Margaret—136.  
   — of Middlebie—37, 47.  
   — of Middlebie, John—144.  
   — of Middlebie, townhouse of—32.  
   — of Newlaw, Alexander—186.  
   — of Nithsdale, William—108.  
   — of Orchardton—32.  
   — of Palmersland, townhouse of—  
   32.  
   — of Speddoch, Homer—171.  
   — of Spotts, Sir Robert—246.  
   — of Terreglis, Sir John—175, 236.  
   — of Terrauchtie, John—160.  
   — of Tinwald, Edward—32, 47,  
   198.  
   —, Adam—56, 241.  
   —, Agnes—129.  
   —, Amer—237, 238, 239, 245.  
   —, Anna Elizabeth—164.  
   —, Archibald—235, 239.  
   —, Cuthbert—232.  
   —, David—227.  
   —, Edward—247.  
   —, Elizabeth—108, 137, 161.  
   —, Elspet—105, 192.  
   —, Eustachius de—121.  
   —, George—116, 118, 239, 241, 244.  
   —, Herbert de—195.  
   —, Sir Herbert—100, 115.

- Maxwell, Homer—72, 117, 183.  
 —, Mr. Homer—179, 186.  
 —, Janet—204.  
 —, Janet—243, 246.  
 —, James—161, 171, 193, 241, 247, 270.  
 —, James in Priestlands—243.  
 —, James in Troquier—243.  
 —, John—9, 72, 130, 175, 182, 241, 247, 249.  
 —, John de—195.  
 —, Mr. John—74.  
 —, John (callit Mr.)—171.  
 —, John in Cavenis—243.  
 —, John of Dundie—244.  
 —, John in Logane—247.  
 —, Marion—203.  
 —, Mary—131.  
 —, Provost (1769)—4.  
 —, Schir Richard—138, 231, 241.  
 —, Mr. Richard—244.  
 —, Robert—235, 249.  
 —, Robert of—178.  
 —, Thomas—103, 162, 190, 270.  
 —, Mr. Thomas—130, 137, 139, 240.  
 —, William—153, 230.  
 Maxwell's Bond, Lord—35, 52, 144.  
 —, house, the—9, 35, 37, 38, 52, 100, 141, 159, 210.  
 Meikle Culmen (Urr), lands of—200.  
 — Dryburgh, lands of—103.  
 — Richerne, lands of—201.  
 Mein (Mean), William—162, 168.  
 Mellingshaw, lands of—92.  
 Melrose Abbey, grants to—8, 194.  
 —, Michael, commendator of, 194.  
 Menzies of Pitfoddels, Thomas—237.  
 — of Raes—252.  
 Merk, John de—223.  
 Mersar, Schir Harrie—137.  
 Michael, son of Matthew—221.  
 Middlebie, lands of—130.  
 Midglen in Newabbey, lands of—145.  
 Milk, river—120.  
 Millare, Andrew—232.  
 Milligan, Andrew in Lochrutton—2.  
 —, Robert in Merkland—2.  
 Mitchell, John, wright—77.  
 Mitchelson, James—162.  
 —, Capt. James—207.  
 —, John—77, 207.  
 —, Margaret—162.  
 —, Robert—144, 149, 162, 178.  
 —, Stephen—214.  
 —, Thomas—180.  
 Moffat, William de—220.  
 —, George—179.  
 Moir Bryce, Mr.—132.  
 Molyneux, the Lord—52, 149.  
 Moncreiff, Hew—184.  
 —, Margaret—184.  
 Monck, General—145, 204.  
 Monmouth, James, Duke of—143.  
 Moor, John—165.  
 Mor, Gilla—219.  
 Moray, the Regent—159.  
 Morbottle, rector of—240.  
 More, John de la—122.  
 Morgequhat—See Muirthuat.  
 Morison, Arthur—239.  
 Morton, Kirk of—137.  
 —, William (1327)—12.  
 Morvill, Richard de—218, 219.  
 Mouswald, provost of—12.  
 —, rector of—118.  
 Mowbray, Schir John—117.  
 Muffet, Peter, Border thief—35.  
 Muirthuat, Walter—225, 226.  
 Mullane, Alexander—159.  
 Mundell, John—248.  
 Mumorsen, Tom—107.  
 Munreith, laird of—247.  
 Mur, John, lord of Kelwod—121.  
 Murhead, George of—177.  
 Murheid, Thomas—267.  
 Murray of Lochmaben, Lord—123, 142.  
 — of Brocklerig, Patrick—120.  
 — of Brocklerig, townhouse of—32.  
 — of Broughton—204.  
 — of Cokpule—154.  
 — of Cockpool, Sir R.—202.  
 — of Cockpule's Town House—120.  
 — of Glenmuir, Sir Robert—203.  
 — of Murraythwaite—120.  
 Mussald, Gilbert de—134.  
 Nateby, Richard de—134.  
 Neilson, John of Chapel—81.  
 —, Mr. James—199.  
 —, John—205, 244, 248.  
 Nelesone, Archibald—229, 231, 232.  
 Nennius—100.  
 Nenot, Dom. John—136.  
 Netherwood, lands of—22, 25, 68, 85, 163, 197, 199, 203, 226.  
 —, quarry of—168.  
 —, Mill of—25.  
 Neville's Cross—176.  
 Newabbey—53, 253.  
 Newal, Martin—59, 146, 172.  
 —, Walter—53.  
 Newall, Archibald—140, 200, 243.  
 —, David—107, 235.  
 —, Elizabeth—194.  
 —, Herbert—225.  
 —, James—74, 140, 171, 172, 239, 240, 248.  
 —, John—120, 230, 231, 240, 249.  
 —, Patrick, 240, 243.  
 —, Robert—246.  
 —, Thomas—242, 243.  
 Newby, lands of—122.  
 Newcastle, St. Nicolas Church—178, 199.

- Newlandis, Michael—171.  
 —, Andro—239.  
 —, Mungo—239.  
 Newton (Stewartry)—97.  
 — Stewart—157.  
 Newark, barony of—145, 202.  
 Nicolas, the Chancellor—219.  
 —, the flesher—220.  
 Nicolson, Andrew, bailie—225, 226.  
 Nicolsone, Christina—243.  
 Nith, the river—20, 21, 22, 24, 29, 54,  
 89, 106, 224.  
 Nithsdale, John, Earl of—35.  
 —, Robert, Earl of—142, 143.  
 —, William, Earl of—36, 37, 144.  
 —, the Lord—31, 36, 52, 58.  
 Normanus—220.  
 Northumberland, Earl of—208.  
 Norton, Margaret—103.  
 Nottingham, Earl of—208.  
 Nunholm—25.  
  
 Olifard, David—219.  
 Oliphant, Helen—184.  
 —, John, writer—193.  
 Olivere, Dom. John—8, 152.  
 Oliver, Schir John—138, 241.  
 Orkney, Earl of—213.  
 —, Robert bishop of—237.  
 Ormiston, lands of—127.  
 Ormond, Earl of—208.  
 Overtoun, lands of—123.  
 Oxellum, town of—21.  
  
 Padzen, Robert—234.  
 Parker, Martin—88.  
 Parton, Lordship of—189.  
 Paterson of Kinharrie—53.  
 —, Gilbert—111.  
 —, Herbert—231.  
 —, James—53.  
 —, John—179.  
 —, Mr. Robert—80.  
 —, Thomas—238.  
 —, William, 242, 243.  
 —, Sir William—251.  
 —, bailie—42, 50, 67.  
 Patrikson, Herbert—230.  
 Pearson, Esther—2.  
 Peebles Bridge—157.  
 Penrith, burnt—209.  
 Percy, Henry de—115.  
 Perisoun, John, bailie—229.  
 Peter, in Dumfries (1290)—221.  
 Philp, Stephen, 233.  
 Pickersgill, Simeon—147.  
 Pitlochrie (Fife)—184.  
 Pittenween—184.  
 Pont, Mr. Robert—87, 136.  
 Poore, Robert—94.  
 Pope Eugenius—224.  
  
 Prebenda, Ricardus de—218.  
 Prentice, John—165.  
 Preston, barony of—69, 196.  
 Priestwodside, lands of—122.  
 Procopius—100.  
 Pugeys, Arnaldus Guilli.—223.  
 Purdum, Nicholas—231.  
  
 Queen Elizabeth—26.  
 — Mary of Orange—16.  
 Queensberry, the Duke of—32, 33, 49,  
 66.  
 —, Charles, Duke of—131.  
 —, William, Duke of—131.  
 — hill—20.  
 Quhitehead, Schir Walter—124.  
 Quinci, Robert de—218.  
 Quoniam Attachiamenta—23, 101.  
  
 Radulph, cognate of William—221.  
 Radulf the merchant—134.  
 Radulphus, the clerk—219.  
 —, cleric of Card—219.  
 Raa, Robert—246, 247, 262, 263, 265,  
 266, 267.  
 Rae (Raa), Agnes—244.  
 —, David—9, 242, 243, 246, 247.  
 —, John—245.  
 —, Rev. Peter—99, 111, 119.  
 —, William—81.  
 Ramsay, family of—76.  
 Ramsay, Alexander—244.  
 —, Helen—120.  
 —, John—230, 244.  
 —, Margaret—81, 204.  
 —, Michael—135.  
 —, Simon—238.  
 Randolph, Thomas, Earl of Moray—  
 217.  
 Randulph, Dean of Dumfries—134.  
 Randulphus—217.  
 Ranpatrick, reader of—137.  
 Ranulf, son of Dunegal—134.  
 Rattray, Lt.-Col. George—163.  
 —, Capt. Henry—164.  
 —, Lt.-Col. John—59, 163.  
 Ravenscroft, Mary, dau. of James of  
 Newpark—6.  
 Rawling, David—244.  
 —, Janet—244.  
 —, John—238.  
 —, Margaret—244.  
 Ray, John, writer—160.  
 Rayning (Raining, Ranyng), family  
 of—178 (*N. 74*).  
 — of Gallariggs, John—140.  
 —, Agnes—246.  
 —, Herbert—116, 117, 152, 175, 186,  
 237, 238, 248, 249.  
 —, Robert—186, 244.

- Rayning, Thomas—169, 186, 249, 250.  
 —, John—171, 249, 270.  
 Rayning's Mortification—42.  
 Rebellion, the (1715)—22, 26, 27, 36,  
     40, 43, 48, 119.  
 —, the (1745)—22, 26, 27, 40.  
 Red Kirk—197.  
 — Kirk, reader of—137.  
 Reid, John—79, 138, 187.  
 Reidhall, barony of—193.  
 Rerik, Gilbert de—135.  
 Richard, son of Lestelinus—220, 221.  
 —, son of Trute—219.  
 — of York—219.  
 —, the chaplain—219.  
 Richardson (Richartson), Agnes—  
     272.  
 —, Jean, 137.  
 —, John—194.  
 —, Robert—175, 186, 187, 204, 248.  
 Riddell of Glenriddell, Robert—2, 90,  
     91, 98, 111.  
 —, Robert—15.  
 —, MSS.—7.  
 Rig, family of—102 (*N. 11*).  
 —, George—72, 73, 248, 249, 250.  
 —, Hugh—230.  
 —, James—88, 186, 213, 238, 241,  
     242, 249.  
 —, John—183, 230, 248.  
 —, Dom. John—183.  
 —, Peter—238.  
 Robert, son of Avelinus—221.  
 —, son of W. de Moffat—220.  
 —, son of Trute—219.  
 —, the chaplain—218.  
 Robertson, Joseph—118.  
 Robgill, lands of—122, 123.  
 Robin Hood—141.  
 Robison, family of—77.  
 —, Andrew—213.  
 Robson, David—120.  
 —, John, 214.  
 Rogerson, John—138.  
 Rogertoun (Perth)—184.  
 Rolland, son of Wchtre—8, 218, 219.  
 Rome of Cluden, Mr. Thomas—56.  
 — of Dalswinton, George—159.  
 — of Irongray, townhouse of—32,  
     58.  
 —, George—32, 72, 171, 180.  
 —, John—59, 72, 171, 214, 251.  
 —, Sarah—56.  
 —, Thomas, provost—47, 80, 202.  
 Rome's Close—32.  
 Rorysone of Bardannoch, Andrew—  
     105.  
 Ros, Robert de—218.  
 Ross of Auchenlossan, Francis—36,  
     145, 146.  
 — of Drumgerland, Commissary—  
     36.  
 Ross of Rossisle, Capt. W.—36, 142,  
     145.  
 — in Formastoun, Patrick—145.  
 —, Capt. Francis—146.  
 —, James, dyer—37, 53, 146.  
 Rottraw, lands of—182.  
 Roucan, lands of—105, 173, 193.  
 Roxburgh, Duke of—39.  
 Ruff, John of—226.  
 Rule (Reul), Janet—79, 82.  
 —, John—144.  
 Rynde, Water of—184.  
 Ryvell, lands of—122, 123.  
 Sadler, Sir Ralph—7.  
 Saidlar, Schir John—136.  
 —, Kentigern—236.  
 St. Andrew's, Mathew, archdeacon of  
     —219.  
 St. Bees' Monastery—8.  
 St. Columba's Chapel—116.  
 St. Madoes, minister of—160.  
 Salcotts, lands of—122.  
 Salisbury, Earl of—208.  
 Salmon, Col.—185.  
 Sancto Claro, see Sinclair.  
 Sancto Germano, Robert de—218.  
 Sanquhar, Lord—99, 154.  
 —, 84, 184, 235.  
 —, Church of—233.  
 Sark, battle of—208.  
 —, water of—253.  
 Saturness Beacon—108.  
 Sawrycht, Thomas—179.  
 —, William—116.  
 Sayer's Regiment—Sir John—185.  
 Scarbra, lands of—94.  
 Scharpis, James—236.  
 Scharpro, Schir William—239.  
 Scharproo, Thomas—233.  
 Schoriswode, George de—135.  
 Scienerles, John (1327)—12.  
 Scott (Scot), Herbert—236.  
 —, Mariota—91.  
 —, Robert—134.  
 Selkirk, guardian of Forest of—102.  
 Seton, Laird of Barns—119.  
 — of Winton, the family of—31.  
 —, Adam de—112.  
 —, Sir Adam de—113.  
 —, Alexander de—115.  
 —, Sir Christopher de—111, 114.  
 —, Mr. George—119.  
 —, Ivo de—112.  
 —, Sir Ivo de—113.  
 —, John de—111, 113.  
 —, Osbert de—112.  
 —, Robert de—113.  
 Seyton, manor of—111.  
 Sharp (Scharp), George—32, 72, 171.  
 —, George, townhouse of—32.

- Sharp, John—175.  
   —, Mathew—214.  
   —, of Hoddam, John—214.  
   —, Patrick, 232.  
 Sharpe, C. K.—119.  
 Shearington, lands of—132.  
 Shillotson, James—147.  
 Shirley, Mr. G. W. S.—132, 149.  
 Shortrig (Schortrig), family of—76.  
   —, John—142, 248.  
   —, William—248.  
 Shrewsbury, Earl of—87, 208.  
 Sigillo, Hugo de—218.  
 Simon, brother of Radulph—219.  
 Simpson, Schir John—138, 229.  
 Sinclair, H. Earl of Orkney—100.  
   — (Sancto Claro), Archibald—159.  
   —, Schir John—138, 237, 238.  
   —, Robert de—218.  
 Sixle, Priory of—115.  
 Skaillis, Herhert—243.  
 Skelton, lands of—112.  
 Skeyn, Mr. James, notary—237.  
 Skinburness—223.  
 Skrimgeour, John, serjeand—246.  
 Slewman, William—194.  
 Sluchanan (? Buchanan), William—120.  
 Sluman, Peter—232.  
 Smyth, Jduge George—185.  
 Snaid, barony of—190.  
 Solway Moss, battle of—210.  
 Somerville (Sumervile), Gervasius de—219.  
   —, Hugh Lord—124.  
 Sorbie, minister of—160.  
 Southburn, lands of—114.  
 Spanish Armada, the—27.  
 Speirman, Robert—232.  
 Spittalfield (Kirkcudbright)—201.  
 Sprot, Thomas—228.  
 Stapleton, lands of—123.  
   —, wood of—167.  
 Steill (Stele), Adam—235.  
   —, John—232.  
   —, William—246.  
 Sterne, James—262, 264, 267.  
 Stevens, Mr., architect—158.  
 Stewart of Calie, Sir John—195.  
   — of Castle Stewart, William—108.  
   — of Goodtrees, Sir James—166.  
   — of Jedworth, Sir John—176.  
   — of Shambellie, Archibald—145.  
   — of Shambellie, Charles—120.  
   — of Shambellie, townhouse of—32.  
   —, Princess Mary—176.  
   —, Col.—146.  
   —, James—77.  
   —, Thomas—116, 230, 231.  
   —, Walter—176.  
   —, William—116, 213, 230, 231.  
 Stirling, Earl of—193.  
 Stodart, John—233.  
 Strykynness, lands of—184.  
 Sturgeon, Adam—171, 183.  
 Summerswain, Adam—134.  
 Sussex, Earl of—142, 211.  
 Sutor, Roger—134.  
 Swan, Andro—180.  
   —, John—180.  
 Sweetheart Abbey—32, 120, 195.  
 Swyre, lands of—191.  
 Syme, Alexander, writer—6.  
   —, John W. S.—6.  
 Tailzeour, Finlaw—177.  
 Tait, Crawford—131.  
 Talhot, Capt. Thomas—175, 185.  
 Teillol, Peter de—219.  
 Tempaltoun, siege of—196.  
 Terrauchtie, goodman of—212.  
   —, Miln—198.  
 Terregles—35, 53, 191.  
   —, vicar of—118.  
   —, teinds of—198.  
   —, Mathew de—8.  
   —, Uchtdred de—222.  
 Terrery, lands of—69.  
 Test Act, the—37, 58.  
 Teviotdale, Archdeacon of—240.  
 Thankerton, Kirk of—135.  
 Thomas, Magister—219.  
   —, son of Dunegal—217.  
 Thomasoun, Andrew—171.  
 Thomson (Thomesoun), John—179, 244.  
   —, William—169, 245.  
   —, Wallace & McCracken—131.  
 Thorne, Adam de—219.  
 Thornton, Mr. John, chantor of Moray—237.  
 Threipland, Euphamie—204.  
 Threpland, lands of—183.  
 Thurloe, Secretary—185.  
 Thurp, Matilda de—112.  
   —, William de—112.  
 Thweng, Marmaduke de—113.  
   —, Robert de—113.  
 Tinwald, Old Place of—30.  
 Tocotes, John de—113.  
 Tod, Arthur serjeand—246.  
 Tode, Henry—135.  
 Tollhurst, Maj. Jeremiah, 175, 184.  
 Torbay—46.  
 Torthorwald (Carlyle), the Lord (1443)—31, 32, 120.  
   —, James, Lord—179.  
   —, Sir David de—11, 222.  
   —, Kirklands of—173.  
   —, lands of—105, 173.  
 Trailflat, minister of—146.  
   —, vicar of—225.



- Trailltrow, preceptor of—137.  
 Traquair, Countess of—145.  
 Trimontium, town of—20.  
 Troqueer—22, 24, 29, 218.  
   —, Thomas, parson of—219.  
   —, Kirk of—227.  
   —, minister of—138.  
   —, parish of—220.  
   —, vicar of—230, 231.  
 Trute, the Sheriff—219.  
 Tullieboill (Fyfe)—183, 184.  
 Tungland, Elias, Abbot of—219.  
 Turner, Sir James—164.  
 Turnour, Schir John—230, 231, 233, 241.  
   —, Mathew—262, 263, 264, 265, 267, 268.  
   —, Mag. William—240, 241.  
 Twaddell, Andrew—157.  
 Twynham, Adam de—114.  
  
 Uchtred, Lord of Galloway—8, 218.  
 Uduardus, son of Vita—217.  
 Unthank, lands of—114.  
 Urr, water of—30, 163.  
 Urrie, Cuthbert—267.  
   —, Col.—143.  
  
 Valcar—See Walker.  
 Vallibus, Hubert de—219.  
 Valonis, William de—218.  
 Vans of Barnbarroch—154.  
 Veitch, Mr. William—80.  
   —, William, writer—145.  
 Velsche—See Welsh.  
 Vesci, Eustace de—218.  
 Vita—217.  
 Vrycht—See Wright.  
  
 Waddell, James—169.  
   —, Thomas—169.  
   —, William—157.  
 Waldevus, son of Gilchristus—217.  
 Walcar, Congall—174.  
   —, Schir John—139, 233.  
 Walkar, David—130, 248, 249.  
 Walker, Adam—104, 169, 183, 248.  
   —, Finlay—232.  
   —, Gilbert, bailie—225, 226, 227.  
   —, Halbert—244.  
   —, Jonet—271.  
   —, Robert—244.  
   —, Thomas—111, 175, 226.  
 Wallace (Wallas), family of—76, 183.  
   —, Adam—107, 230, 245.  
  
 Wallace, Schir David—138, 245.  
   —, Hugo—118.  
   —, James—244.  
   —, John—245.  
   —, Schir Patrick—138, 238, 245.  
   —, William, chaplain—245.  
 Walls, family of—76.  
   —, James—72.  
 Walter—218.  
   —, the flesher—134.  
   —, son of William—134.  
 Wanlockhead, lead mines of—211.  
 Watson, James—128.  
 Welham, Walter de—8.  
 Wellis (Vells), George—249.  
   —, John—239.  
 Welsch (Welche), Archibald—9, 178, 229, 232, 244.  
   —, David—107, 178, 226, 230, 233, 234.  
   —, Schir David—138.  
   —, James—159.  
   —, John—179, 225, 227.  
   —, Schir John—178.  
   —, Nicolas, Abbot of Hollywode—178.  
   —, Robert—242, 243.  
   —, Thomas—8, 175, 178, 230.  
 Welsche, Mr. John—136.  
 West Barns (Fife)—188.  
 Wharton, Lord—210, 211.  
   —, Sir Thomas—209, 210.  
   —, Michael—210.  
 Whitby, Abbey of—111.  
 White of Winlockhead, William—211.  
 Whitehaven—28.  
 Whithorn—28, 184.  
   —, Walter, bishop of—219.  
 Wight, Rev. Robert—111.  
 Wigton—28, 53, 165, 184.  
 Will, "the Flagon,"—209.  
 William, celerarius—219.  
   —, son of Derman—8.  
   —, son of Peter—221.  
   —, father of Walter—134.  
   —, son of William—8.  
 Williamson, family of—77.  
   —, David—104.  
   —, John—179, 271.  
   —, William—171, 249.  
 Wilson, Schir Elisha—232, 235.  
   —, John, in Newabbey—174.  
   —, Robert—111.  
 Wintonia, Richard de—223.  
 Witchcraft—191.  
 Within-the-Waters, lands of—242.  
 Woodhall, harony of—193.  
 Wrychtis (Wright), John—238, 262, 263, 264, 265, 267.

- Wrychtis, Marion—120.  
Wyllie, Alexander, Watchmaker—165.  
Wyrfrank, Osbert—113.  
—, William—113.  
Wyrill, William de—113.  
Wythman, John—238.  
Wytwele, Henry—132.
- Yair, John—179.  
York, St. Peter's Hospital at—7, 217.  
Young of Gullyhill, John—171.  
—, John—171.  
—, Patrick—140, 177, 180.
- Zous, John—238.

The Pedigree Charts are arranged in the following order :—

1. CORSANE.
2. CROSBIE.
3. CUNYNGHAME.
4. GLEDSTANES.
5. HAIRSTANES.
6. HALYDAY.
7. JOHNSTONE.
8. McBRAIR.
9. RIG OF DUMFRIES.
10. RIG OF CARBERRY.



# CORSANE OF MEIKLE KNOX.

Patrick Corsane  
burgess 1477

John Corsane  
burgess 1520

John Corsane  
burgess 1537-80  
alleged to be the 12th  
consecutive John  
= . . . Brown dau. of  
James Brown & Marion  
Newall.

John Corsane (1553-1629)  
bailie 1593, 5, 7, 8, 1600,  
2, 5, 7.  
Treasurer 1586-8.  
M.P. 1617, 1621.  
Provost 1611, 17, 18, 19,  
22. d. 1643.  
= Isabel Maxwell

Adam Corsane  
burgess

Schir Thomas Corsane  
Chaplain

Robin Corsane  
in Dumfries 1520

Robert Corsane 1564.  
Andro Corsane 1571.

Marian Corsane  
in Dumfries 1523  
= Pait Fergusson,  
2 March 1524/5.  
(Burgh Ct. Bks.).

Adam, bailie, 1605 &  
glover. d. 1621.  
= Elizabeth Maxwell,  
alive, 1621.

George Corsane,  
d. 26th June, 1598.  
= (1) Bessie Young,  
d. 24 July 1593.  
(2) Margaret Makmynneis.

Janet.

Margaret

Adam, alive 1630.  
bapt. 1 Dec. 1608.  
John, alive 1665.

Margaret,  
bapt. 1 Dec. 1608.

John,  
bapt. 21 Nov. 1617.

Agnes,  
bapt. 27 Nov. 1618.

Marion,  
bapt. 18 June, 1620.

Mr. John Corsane, graduate  
of Edin. Univ. advocate  
1613, sheriff depute and  
M.P. 1633. Provost 1637-  
44 of Meikle Knox.  
= (1) Margaret Maxwell,  
d. 1653, dau. of Robert  
Maxwell of Dinwoodie.

Marion = Stephen Laurie  
of Maxwellton,  
grandmother of Annie  
Laurie.

Nicolas and Sarah Max-  
well, d. nat. by Agnes  
Johnston.

(2) Marion Rig, 1654  
dau. of William Rig  
burgess.

Katherine

John Corsane bapt. 10  
Feb. 1621  
bailie, d. prior to 1665  
= Jean Kirkpatrick, of  
Closeburn, d. 1696.

Marion  
bapt. 16 March  
1619.

Isabel  
bapt. 29 March  
1622.

Helen  
bapt. 23 July 1624  
= John Herries of Mabie  
6000 merks tocher 1651

Agnes  
= Robert Newall  
Sheriff and Commissary  
Clerk

James  
of Wolfhill, alive 1662  
= Marjorie Hamilton

Margaret d. nat.  
who received a gift from  
John McGowne merchant  
on 2 May 1676.

John Corsane of Meikle  
Knox.  
d. 2 Nov. 1680  
proclaimed 7 Aug. 1669.  
= Marion Maxwell of  
Tinwald. d. 5 Nov. 1697

Charles Lieut. 1st Royal  
Dumbartonshire Reg.  
Killed at Tangier 27  
Sept. 1680

Margaret  
= James Grierson of  
Larglangie, proclaimed  
16 Nov. 1666

Janet  
= John McGowne  
burgess 1671

Agnes  
= William McGowne,  
burgess.  
"relict" 1664.

Katherine,  
bapt. 9 Dec. 1658.

Joan,  
bapt. 28 Oct. 1661

Robert s. nat.  
bapt. 1 Nov. 1675

John Corsane of Meikle  
Knox, bapt. 9 Oct. 1674  
d. 19 Sept. 1717  
succeeded at age of 8.  
= Agnes Crosbie.

Agnes, bapt. 21 Sept. 1671  
alive 1774  
= Rev. Peter Rae 1671-  
1748, Minister of Kirk-  
bride and Kirkconnel,  
1734-48.

Margaret  
d.s.p.

Robert  
d.s.p.  
bapt. 19 July, 1673.

Helen  
d.s.p.

John Corsane 1717-21.  
posthumous child  
bapt. 31 Oct. 1717.

Robert Corsane  
bapt. 21 May 1698 d. 17  
Feb. 1759.  
= Agnes McGown, dau. of  
Alexander McGown,  
bailie. They had 15  
children in 17 years, only  
7 surviving. Robert as-  
sumed the name of Cor-  
sane on inheriting Meikle  
Knox.

John  
bapt. 30 July  
1699  
d. 25 Ap.  
1700.

Janet  
bapt. 19 Feb. 1701  
= (1) David Scot d.s.p.  
(2) Rev. Robert Hunter  
minister at Kirkconnel  
Elizabeth Hunter  
= Rev. James Young, of  
New Cumnock.

Jean  
= James Crichton  
in Crockroy,  
& had 4 children,  
Agnes, Helen,  
Peter & Janet.

Peter.

Alexander  
clockmaker,  
1713-86.

Mr. James  
agent for the Duke of  
Buccleuch at Wan-  
lockhead.

Marion  
= (1) James Hare  
in Kyle.  
(2) John Chalmer  
in Bonington.

Agnes  
bapt. 24 June  
1702  
d. 2 May  
1703

Thomas.

Robert Corsane  
Ensign Royal Scots  
13 March 1772  
Lieut. . . . 14 Nov. 1775  
d.s.p. at Gibraltar before  
14 Jan. 1776

Janet  
= David McCulloch  
of Ardwall.

James Murray  
McCulloch

Elizabeth  
bapt. 4 Feb. 1739  
d. before 13 Jan. 1782  
= Rev. Andrew Ross  
minister of Inch.

Agnes  
bapt. 23 March 1740  
d.s.p.

Jane  
= (1) John Hind  
and had a son John  
Hind d.s.p.  
(2) David Scot  
banker at Ayr.

Marion  
d.s.p.

Margaret, d. 1842  
buried Greyfriars Edin.  
= George Cunningham,  
Inspector-Gen. of  
Customs.

Col. Andrew  
b. 1773,  
d. 1812.

George Ross

Sir John of Gulgruff  
b. 24 June 1777  
d. 30 Aug. 1856  
(the Arctic explorer)

Edward  
d.s.p.

George  
d.s.p.

Agnes  
= Professor  
Meikleham.

Helen Cunningham  
= John Reid, m. 1804,  
advocate.

Walter McCulloch  
of Ardwall

Agnes

Janet  
= G. G. Brown

Christian R. Brown  
= Andrew Jameson  
Lord Ardwall.

Mrs. Cliff McCulloch  
of Kirkcleuch

Mrs. Stewart  
of Shambellie.

Sir James J. Reid  
Chief Justice of Ionian  
Islands.  
= Mary Threshie, m.  
1843

and others.

John J. Reid,  
b. 1844, d. 1889  
Q. & L. T. R.

Robert T. Reid,  
Lord Loreburn

and others.



# CROSBIE OF OULCOTTIS AND HOLM.

Robert Crosbie of Oulcottis 1415-98.  
son of Richard of Oulcottis.

Andrew 1433  
d. by 1498.

Stevin 1435  
outlawed with Andrew  
(A.D.C. 420).

Janet 1437  
= 1st Lord Carlile as 2nd  
wife.

Robert Crosbie of Oulcottis  
b. 1481, succeeded his grandfather in 1498.  
In 1502 he sold the lands of Sark to Andrew Chalmer.  
In 1516 sold Oulcottis to William Lord Carlile (Scots Peerage II. 385).  
= Elizabeth dau. of William 2nd Lord Carlile

Robert Crosbie 1513 d.s.p.  
1563. Tenant in Oulcottis.

John Crosbie 1518  
merchant bailie of Dumfries 1543. d. circa 1582  
founder of the Dumfries branch.  
= Janet, sister of Provost Roger McBrair

Robert Crosbie 1550.  
= Sophia Gledstanis

John Crosbie, clerk in Holy Orders,  
Bishop in 1600  
d. 1621  
Founder of the Irish branch.

John Crosbie  
in Kelwod 1573  
= Agnes Dalrymple

David Crosbie 1608  
mercht. in Dumfries

a dau.

a dau.

Andrew Crosbie 1620,  
d. Aug. 1674.  
= Elizabeth Corrie  
dau. of William Corrie.  
(2) Helen Newall, d. 1675.

William Crosbie,  
deacon conveyer  
d.s.p.  
= Maria Swan

John Crosbie 1650-1720  
Provost of Dumfries, pur-  
chased Holm of Dals-  
cairth, 1708

Agnes

Andrew Crosbie,  
younger, merchant,  
tenant of Thomas Gled-  
stanis, 1674.  
(R.P.C. II. 3rd ser. 615).

(1) Margaret, dau. of  
Robert Herries of Barn-  
barroch.

(2) on 4 Feb. 1691 Janet  
dau. of James Kennan,  
bailie of Dumfries.

Andrew Crosbie of Holm  
1674 heir to his father  
Jan. 1721. Provost of  
Dumfries. d. 1769  
= on 2 July 1733 Jean  
Grierson of Barjarg

Robert, 1675  
Dean of Guild  
= Janet Kirkpatrick

Agnes, 1677  
= John Mitchelson

a dau.  
= D. McCulloch

Janet, 1686.  
= George Maxwell of  
Southbar.

Andrew Crosbie of Holm,  
1736  
Dean of Faculty of Adv-  
ocates, 1765. Lost his for-  
tune in Douglas Heron  
Bank, and d.s.p. 25 Feb.  
1785.  
= Elizabeth Barker, who  
was granted pension of  
£40 in 1785 by Society  
of Advocates.

John  
born 21 Ap. 1737  
died young

John 7 May 1710

James 28 Feb. 1712

William 13 Ap. 1714

Janet 11 Aug. 1715

Marion 22 July 1719

Charles Ebenezer Crosbie  
bapt. 18 Sept. 1723  
d. 20 Nov. 1808  
= Ann Blair of Glenstoken  
born 1711, d. 26 Feb. 1797  
both buried at Colvend.

David  
bapt. 3 Feb.  
1727

Robert Crosbie 1746  
ran away to sea.  
Purchased Kipp 1778  
Killed by a fall at Mun-  
ches 27 Dec. 1798.  
= Jean McKie (1750-1835)  
both buried at Colvend.

John Andrew 1748  
= Margaret Carson, grand  
dau. of Robert Carson of  
Kipp.

issue

Margaret

John Crosbie of Kipp 1774  
—23 May 1849  
= Elizabeth Allman (1777-  
1848) buried at St. James',  
Liverpool.

William, 1780  
sold his share of Kipp to  
his nephew Robert.  
Founded U.S.A. branch.

and 6 others.

Robert Crosbie of Kipp  
(1800-1862)  
= Cecilia Barret, d. 1864

and 5 others

Charles Edward Crosbie  
of Kipp (1828-1907)  
= Ada Elizabeth Cassie  
no issue.

John George Crosbie  
= Mary dau. of Charles  
Bloomfield of Co.  
Fermanagh.

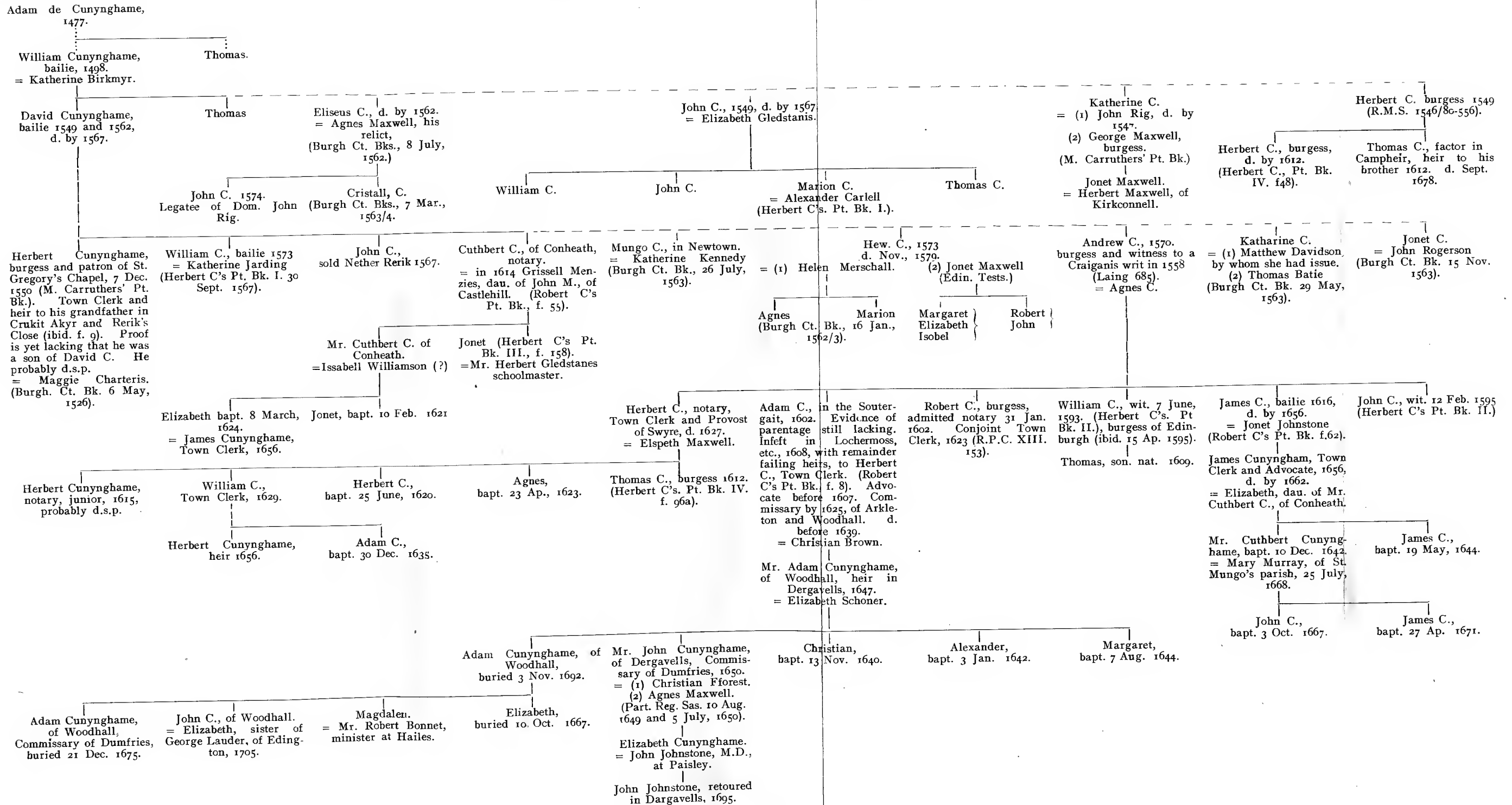
and seven others.

Charles H. Herries  
Crosbie, of Flowerburn  
= 1904, Eva G. L. dau.  
and heiress of Col. R.  
Grogan-Mackenzie, of  
Flowerburn.





# CUNYNGHAME OF CONHEATH, WOODHALL, AND DUMFRIES.





# GLEDSTANES OF OVER KELWOOD AND CRAIGS.

(1505—1612.)

Herbert Gledstanes, Rector of Dornoch.  
Buys Over Kelwood, 1505.

Thomas G. of that Ilk,  
Sasine of O.K. 1509. There 1524.

John G. of that Ilk. = Margaret Jardyng;  
Sasine of O.K. 1525. alive 1537.

Matthew G. of that Ilk. = Elizabeth Levinstoun,  
Sasine of O.K. 1536. alive 1539, dead by 1541.

Mirabella G. = 1541 her father's = 2ndly Margaret Hep-  
dead by 1555. "cousin" Herbert G. burn; alive 1569, and  
of Dundee; d. Oct. 1569 later.  
By 1st or 2nd wife

Walter G. of that Ilk & = ?  
Craigs. Sasine of O.K.  
due 1570, alive 1593.

John G. of that Ilk, 1594 = Agnes Maxwell,  
& of Craigs. Settles d. 1628.  
O.K. on Alexander G.  
in 1606.

Considerable family, including—  
George G. Archbp. = Christian Durie.  
of St. Andrews. d. 1615.

Alexander G. = Margaret  
Archdeacon of St. Gledstanes  
Andrews, gets 3 daus.  
O.K. from John  
G. 1606, sells to  
Matt. Hairstanes  
1612.  
son & 3 daus.

Margaret = James Watson,  
G. burgess of St.  
Andrews.

Elizabeth = Matthew  
G. Hairstanes,  
buys or gets  
O.K. from  
Alex. G. 1612.

Agnes = John Hairstanes, jr.,  
G. burgess of Dumfries.



# RIG OF DUMFRIES.

Thomas Rig, 1476.  
= Margaret

Hugh Rig, in Dumfries,  
1506, perhaps identifiable  
with Huchoune of Rig,  
treasurer, 1507. (Burgh  
Ct. Bks., 15 Dec.), d. by 1510.  
= Agnes, dau. of George  
Johnston (C. Simon, Pt.  
Bk. 469).

John Rig, 1510, d. by  
1547 (Simon Pt. Bk. 483).  
= Katherine Cunynghame  
(M. Carruthers Pt. Bk.).

James Rig,  
made burress 5 Oct. 1525  
(Burgh Ct. Bks.), skinner,  
d. by 1561.  
= Elizabeth Hairstanis,  
15 March, 1534 (Burgh  
Ct. Bks.).

Katherine Rig, owned  
land in Wetslacks and  
Hairstaines tenement. A  
minor 1561, under cura-  
torship of Peter Rig (4  
March 1561/2, Burgh Ct.  
Bks.) Testament dated 27  
Dec. 1562 (ibid.).

John Rig, burress of  
Edinburgh. Heir to his  
"fador bruders dochter"  
Katherine, 27 Jan. 1562/3.  
Resigned Hairstanis tene-  
ment in favour of Dom.  
John, 1573. (Herbert C's.  
Pt. Bk. I.).

Patrick Rig,  
burgess of Edinburgh  
(See next pedigree chart).

Mr. Hugh Rig,  
burgess of Edinburgh  
(See next pedigree chart).

Jonet Rig.  
= John Welsche.  
(23 Oct. 1533, Burgh Ct.  
Bks.).  
He was d. by 1552.

Isabel Rig,  
15 March, 1535.

John Rig, d. by 1562.  
(Burgh Ct. Bks. 22 Dec.)  
Perhaps of Meikle Dry-  
burcht, 1559.

James Rig, bailie, 1560.  
Provost 1567. Tutor to  
his niece Margaret. With  
his 2 sons of same name,  
legatee of Dom. John.

James Rig, notary bur-  
gess, alive 1594, d. by  
1607.

Mr. William Rig.  
(Robert C's Pt. Bk. f.60-1)

Agnes Rig,  
= Thomas Maxwell,  
brother of Kelton.  
(Herbert C's Pt. Bk. III.  
f.99).

James Rig, chirurgeon,  
1586.  
= Margaret Forrest, 18  
Dec. 1596.  
(H. Cunynghame's Pt.  
Bk. II.).

James Rig, chirurgeon.  
= (1) Bessie Gledstanis,  
1622.  
(2) Margaret Norton, 1642

Robert Rig, heir to his  
brother 1649. Probably  
identifiable with Robert  
Rig, wright.  
= Elspeth Maxwell.

Edward Rig.

Barbara.

Agnes, dau. nat.

George Rig, son nat.  
executor of Dom. John,  
Deacon of the Crafts, d.  
Dec. 1636.  
= (1) Mariota Neilson,  
1606. (Herbert C's Pt.  
Bk. III., f. 163). (2)  
Marion, dau. of George  
Rig.

Mariota Rig.

William  
Rig,  
son nat.,  
(H. Cunynghame's Pt.  
Bk. I.,  
f. 92).

Elizabeth Rig.

John Rig, son nat.  
called of Chapel residuary  
legatee of Dom. John.  
= Elizabeth Shaw  
(6 Dec. 1570. Burgh Ct.  
Bks.).

Archibald  
Rig.

John Rig, heir to his  
brother, 1596. Messenger  
and notary in Dunreggane.  
Sold chapel lands to  
Robert Phillope, notary,  
25 Feb. 1612 and 15  
June, 1614. (Robert C's  
Pt. Bk., f. 36 and 57).

George Rig, son nat.,  
had charter of Dunreg-  
gane. d. by 1636. (Edin.  
Tests.)

William Rig.

Janet Rig.  
= John Hairstanes.

Marion Rig,  
= George Rig, son nat.  
of Dom. John.

John Rig, heir to his  
grandfather, 30 Nov.,  
1562. In Jardington 2  
Dec. 1562, probably of  
Meikle Dryburcht. (H.  
Anderson, Pt. Bk. II. 87).  
d. by 1568.

Robert Rig,  
heir to his brother in  
Jardington, 1568. (H.  
Anderson, Pt. Bk. II. 79).  
Dead by 1574.

Katherine.  
= James Lindsay, of  
Barclay, 31 March, 1569.  
(Burgh Ct. Bks.).

John Rig, son nat.  
legatee of Dom. John.

David Rig, son nat.  
legatee of Dom. John

Grizel, dau. nat.

John Rig, son nat.  
(31 March, 1569. Burgh  
Ct. Bks.)



# MACBRAIR OF ALMAGILL AND NETHERWOOD.

Andrew McBrair  
Baillie 1384.

Herbert McBrair  
obtains Almagill 1427  
d. before 1444.

Robert McBrair  
Provost 1453-4 and 1476-7  
obtains Netherwood 1453-4  
d. by 1486  
= Marion Rig

Herbert, baillie 1471-5 and  
1488. d. by 1496  
= Agnes Grierson

Thomas 1532, d. by 1562.  
Thomas in Laripotts, 31  
Aug. 1562.

Schir John  
murdered 1504

John 1444  
Robert baillie  
executor 1496

Nicolas McBrair  
Provost 1484-1512  
d. before 1515  
= Elizabeth Carruthers

Robert  
Deacon 1520-29.

Thomas 1520-1  
son to Robert "elder"

Schir Herbert  
1519 & 1524  
Chaplain of Our  
Lady Service.

Katherine 1524  
= William Johnstone  
Herbert Johnstone  
heir to Schir Herbert 1567

James  
d. before 1575

Thomas  
d. before 1575  
= Katherine Kirkhaught

Roger McBrair  
Provost 1515-40  
alive 1549.

Janet  
= John Crosbie  
merchant.

William  
in Conhaithrig  
William, made burgess,  
March, 1534.

John 1575 served heir  
to his uncle James.

John McBrair  
Provost 1549-60  
d. Feb 1561  
= Margaret Maxwell

Archibald McBrair, b. 1547.  
Tutors by his father's will  
the Master of Maxwell or  
his daughter.  
Provost 1568-83.  
Executed Jan. 1588.  
= Agnes Grierson

Marion, 15 Oct. 1561  
(Burgh Ct. Bks.)

Robert McBrair  
Provost 1599  
sheriff of Dumfriesshire  
1619. d. 28 Oct. 1639  
= Margaret Murray,  
of Cockpule

John burgess 1596, heir to  
his brother Thomas

William 1621

Thomas 1596.  
named "younger of John"  
murdered by a Cunyng-  
hame.

Archibald burgess  
1590-1-1602 (R.P.C. VI.  
720)

James McBrair  
Wit. a Lag. sasine  
28 March 1588.

John McBrair of Almagill  
heir 26 Aug. 1643  
d. before 1646, m. 12 Feb.  
1634  
= Jean Maxwell dau. of  
Robert Earl of Nithsdale.

Robert, 1619, 1643

Agnes  
= Robert Crichton of  
Ryehill,  
who d. Nov. 1640, leaving  
7 children (see his will).

David, bapt. 26. Jan.  
1608-9, of Nunholm, 1639,  
of Newark 1648, murdered  
in 1667.  
= Sophia Crichton

Robert McBrair  
of Almagill & Netherwood  
heir 1646, d. Sept. 1655,  
whilst a minor  
= Marion Maxwell

Agnes

Elizabeth

John, s. n.  
bapt. 4 March 1608.

Robert McBrair  
of Newark, Tutor to his  
cousin Robert

Robert McBrair (post-  
humous) heir 1664.

John  
bapt. 19 Ap. 1668

Susie  
bapt. 17 Jan. 1671

a son natural by Elizabeth  
Mure, relict of Andrew  
Lisle physician and now  
spouse of John Murray  
merchant (Reg. Bands.  
1656-8).

Alexander McBrair  
bapt. 4 June 1696  
d. Jan. 1738  
= Susan Rome (of Cluden)  
married irregularly at  
Bewcastle 25 Nov. 1719  
(K. Sess. Rec. 7 Ap. 1720)

John  
bapt. 24 Nov. 1690

Janet  
bapt. 29 March, 1692

Agnes  
bapt. 9 Nov. 1686

Joan  
bapt. 12 March 1695

Robert  
bapt. 24 May, 1699.

Robert McBrair  
bapt. 30 July 1723  
d.s.p. 1742 (Barjarg MSS.)  
sold property

Thomas  
bapt. 24 Nov. 1726

Wilhelmina  
bapt. 27 Jan. 1730  
d. 23 Oct. 1796

James  
bapt. 20 July 1731

Agnes bapt. 19 Jan. 1733  
heir to Wilhelmina  
= Benjamin Dodd of 51st  
Foot.

a son  
bapt. 26 Jan. 1736  
William (Barjarg MSS.).

Susan  
(Barjarg MSS.)

James Dodd  
Brigadier-General  
sold estates.

Benjamin

Susanna

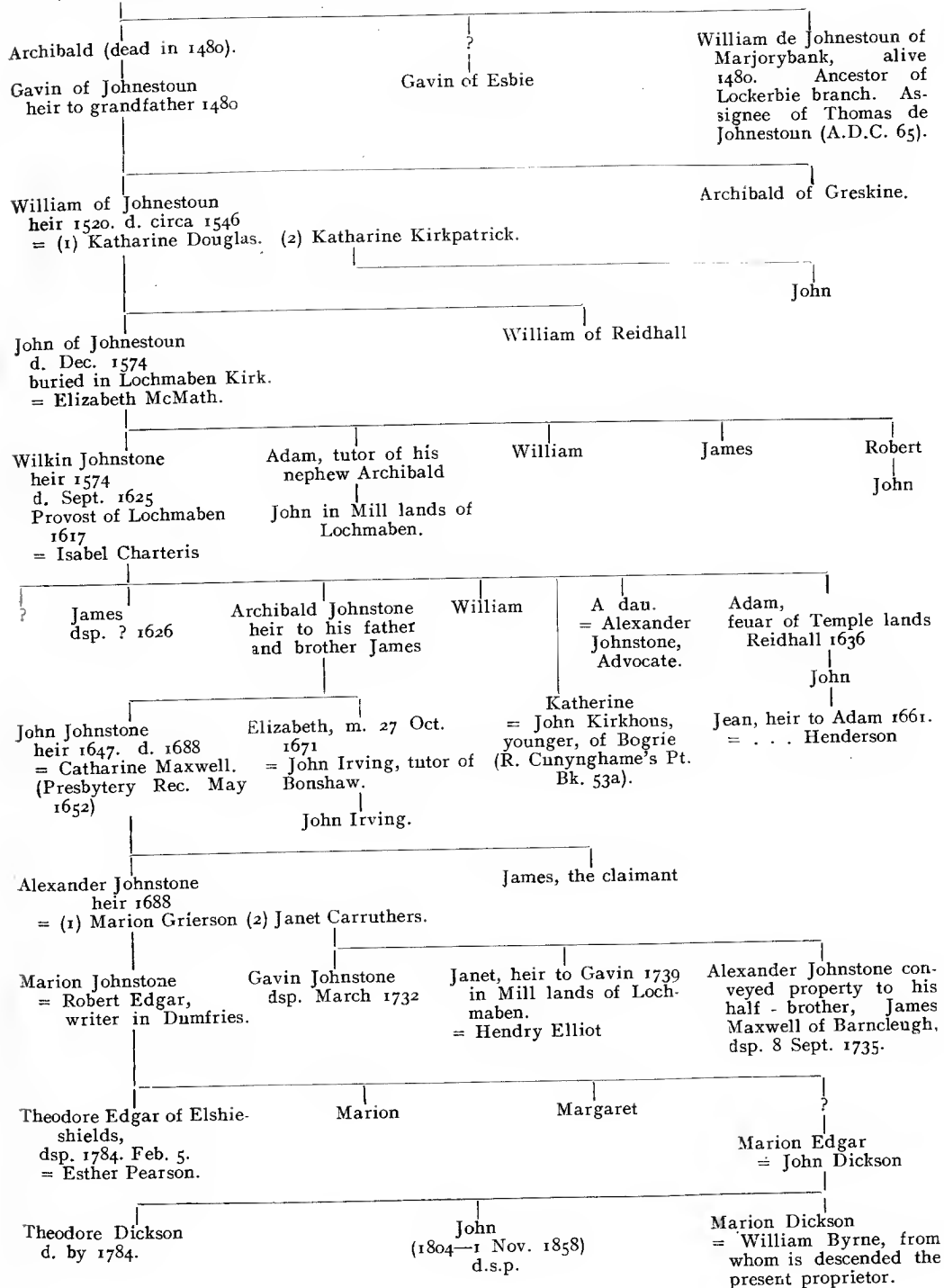




# JOHNSTONE OF ELSCHIESHIELDS.

Gavin of Johnstoun of the Wood.

= Mariota Scott, who married 2ndly a Jardine and  
had a second son Oliver Jardine (R.M.S.  
1424-1513—1661).





# HALYDAY OF TULLIEBOYLE.

Nicolas Halyday, bailie  
1445.

Nicolas Haliday, 1510.  
? slain at Pinkie (Edin.  
Tests.)

William H. 1506.  
William H. 5 Nov. 1561.

John Haliday, bailie 1528

Adam H.

Walter H.

Marion.  
(12 May 1536 Burgh Ct.  
Bks.)

Roger H.  
John H., 13 May, 1562.

John Haliday 1570  
= Marion Cuke.

James H., d. by 1580.  
Thomas Haliday,  
Commissary of Dumfries.

Edward H. in Luce  
1580 (Aitken MSS.)

Cuthbert H.  
15 Oct. 1561.

Gilbert H.  
= Bessie Kirkpatrick,  
2 Dec. 1562.

Herbert H.,  
13 May, 1562.

John H., officer  
made freeman 25 Nov.  
1562.  
s. of late John H., and  
grandson of late Patrick  
Scharpe.

Jonet,  
= John Lindsay,  
25 Feb. 1561/2.

John Haliday, writer and advocate  
purchast Tullieboil 1598 d. 19 Sept. 1606  
= (1) Margaret, dau. of James Moncrieff of Easter  
Rynd  
= (2) Elizabeth Hay, dau. of Patrick Hay of Pit-  
four, d. 2 Dec. 1615, and married 2ndly Sir  
George Boswell of Balfony.

Sir John Haliday, advo-  
cate 10 July 1605  
built present castle  
d. 31 Jan. 1619  
= Helen, dau. of Sir W.  
Oliphant of Newton

James Haliday, advocate,  
d. 1625, of Pitlochrie.  
Commissary of Dumfries.  
= (1) 1 Oct. 1609 Marion  
Henryson  
(2) Marion Maxwell.

William Haliday  
= Elizabeth Burne.

Catharine m. 6 July 1617  
= William Oliphant, of  
Pitlochrie, eldest son of  
William Oliphant, 3rd  
son of Lawrence, 4th  
Lord Oliphant

Grizel  
born 17 March 1596

Helen  
born 3 Nov. 1600.

William Haleday, of Tullieboil, d. Jan. 1665.  
= (1) Annabel Bruce, dau. of Sir Robert Bruce of  
Clackmannan, separated 26 Jan. 1637 (R.P.C.  
2nd ser., VI. 371)  
(2) Isobel, 4th dau. of Andrew 1st Lord Rollo

Catharine

Margaret

John Haliday of Tullieboil  
d. 12 Nov. 1722  
= (1) Elizabeth, dau. of Sir W Douglas of Kirkness,  
d. 9 Jan. 1696.  
(2) Barbara, only dau. of Robert Ker of Graden  
by his 2nd wife. d. June 1746.

Margaret=William Halkerston  
of Rashillet, with issue.

James Haliday of  
Tullieboil  
d. 9 May 1723  
= Janet Aiton

Capt William, who  
succeeded his nephew  
in Tullieboill and  
sold it.

Robert = Rebecca  
dau. of John  
Horn of Nor-  
thumberland.

Catharine = Rev.  
Archibald Moncrieff  
minister of Black-  
ford.

Isobel, b. 28 July, 1710  
= James Steel, Officer of  
Excise, Edinburgh.

Jacobena b. 1 Sept. 1693  
= William Aitken mer-  
chant in Edinburgh, 2  
Feb. 1724

Barbara = Robert Lindsay  
of Bowhill, & d. 19  
March 1747.

Robert Haliday of  
Tullieboil  
b. 16 Sept. 1694  
d. Nov. 1737

and other issue.

Helen b. 18 Feb. 1702  
= William Bennet, tacks-  
man of the town coal of  
Dunfermline.

Susan  
b. 19 Ap. 1706.





# HAIRSTANES OF CRAIGS.

John of Hayrstaneis  
made burgess 19 Nov.  
1506 (Burgh Ct. Bks.)  
lessee of Crukit Akir, 29  
May, 1527,  
d. by 1533/4 (ibid.)

Isobell Hayrstanis,  
heir to her father in a  
house in the Soutergait,  
15 March 1534 (Burgh Ct.  
Bks.)  
= James Rig.

David Hairstanis  
Cuthbert Hairstanis  
in Over Penfillane, d.  
Dec. 1642.

Cuthbert }  
James }  
John }  
Gilbert }  
William

John H., burgess 18 Mar.  
1561, receives a charter of  
7 ruids in Wetslacks, 29  
July, 1563.

Thomas H.,  
d. by 18 Jan. 1561/2.  
= Marion Hunter, who  
m. John Welche.

Jonet H., heir to her  
brother Thomas in a  
house in Lochmabengait,  
22 Feb. 1562/3 (Burgh.  
Ct. Bks.).  
= Andro Hodgeoun.

Herbert H.,  
8 June, 1572.

Mathew Hairstanes,  
d. May 1628  
= (1) Anna Fergusson (2) Elizabeth Gledstanis.  
John d.s.p.  
(Rec. of Clan Ferguson  
380).

Isobell  
bapt. 20 March 1608

Agnes  
bapt. 17 Oct. 1623  
= Provost Copland.

Elizabeth  
Test. 30 Dec. 1629

John Hairstanes, yr. of  
Craigs,  
charter of Overkelwode  
1628.

= (1) Agnes Gledstanis : (2) Agnes Douglas  
m. 6 August 1659.

John Hairstanes  
bapt. 10 Dec. 1661.  
called younger of Craigs,  
d.s.p.

Mathew Hairstanes of  
Craigs.  
bapt. 22 Ap. 1624.  
heir to his father 1686,  
Jan. 5.

Elizabeth  
= (1) John Sharp,  
commissary clerk.  
(2) Major Carruthers  
sheriff depute (Gen. Reg.  
Sas. 3 May, 1664).

William H. of Craigs  
bapt. 11 July 1687  
heir to his father 10  
Jan. 1699.  
ad. burgess. 5 Sept.  
1720.  
= Mary Maxwell.

Agnes  
bapt. 4 Dec. 1688.

{ Mathew bapt. 16 Dec. 1689.  
{ Isobel bapt. 3 Feb. 1691.  
{ John bapt. 26 Feb. 1692.  
{ James bapt. 26 Oct. 1693.  
{ William bapt. 14 Aug. 1695.  
{ Joan bapt. 9 Aug. 1696.

Susanna } twins bapt.  
George } 6 Dec. 1697.  
[George was buried  
10 Aug. 1702]

Agnes Hairstanes  
bapt. 30 Ap. 1711.

Matthew  
bapt. 25 Aug. 1712  
died young

Isabella, relict of Mr.  
John Mathison, minister  
at Edinburgh. (See her  
Test. 1766).

Elizabeth  
bapt. 13 Aug. 1717.

Winifred

Mary

Capt. John Mathison  
of H.M. Panther,  
d. by 1765.

Jean Mathison,  
= W. Corrie, merchant in  
Dumfries.

# RIG OF CARBERRY AND ATHERNIE.

Hugh Rig in Dumfries 1506. d. by 28 June 1510.  
= Agnes, dau. of George Johnstone (Simon Pt. Bk. no. 469).

Mr. Hugo Rig  
Advocate 1537, burress of Edinburgh.  
i. probably soon after 1546.  
= Janet Hoppar.

James Rig of Carberry.  
d. circa 1600.  
= Margaret Ramsay.

Mr. Mungo Rig  
= Helen Cranstoun

Mr. Abraham Rig  
in Preston Grange 1627

Robert Rig  
alive 1630

James Rig

James Rig of Carberry,  
heir 1617, d. 1644.  
= Elizabeth Hamilton.

Margaret Rig  
= James Skirving of  
Plewland hill.

William Rig of Carberry,  
= Janet Dischington  
sold Carberry to Sir  
Adam Blair.

Mary Rig.

Helen Rig  
= Mag John Rig of  
Rigsland, advocate.  
m. 19 Feb. 1633.

Agnes Rig.

Elspeth  
bapt. 6 Oct. 1633.

James  
bapt. 12 Feb. 1635.

John  
bapt. 28 Feb. 1636

William  
bapt. 14 March 1637

Thomas  
bapt. 17 Ap. 1639

Agnes

Margaret

John Rig 1510  
(Simon, no. 483)

Patrick Rig,  
burgess of Edinburgh, d. Dec. 1578.  
= Elizabeth Hoip, d. 28 Oct. 1578.

1. William Rig elder  
= Margaret Donaldson  
m. 12 Feb. 1618.

2. James.  
3. Mr. John.  
4. Patrick, d. Aug. 1585  
5. Andrew, d. Aug. 1585  
6. Christiane.  
7. Elizabeth.  
8. Marion.  
9. Janet, probably d. by  
1587.  
10. Katherine.

William Rig younger  
= Sarah Inglis  
m. 9 Jan. 1612.

William Rig,  
bailie of Edinburgh  
= Catharine Row

William Rig of Athernie  
= Catharine Moneypenny  
heir 1619.

Mr. Thomas Rig of  
Athernie  
= Anna Dundas.  
heir 1644.

Mr. Patrick Rig.  
d. by 1665.

James Rig  
d. 1677.

Walter Rig  
wit. 1654.

Catharine Rig,  
Lady Cavers,

William Rig of Athernie

William Rig  
heir 1693

Euphame Rig.

